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BY PHYSICS WALLAH

UPSC WALLAH

GOVERNANCE IN INDIA

COMPREHENSIVE LEARNING SERIES FOR
PRELIMS AND MAINS

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- One-stop solution for subject wise coverage
- Intensive use of Maps, Diagrams, Flowcharts and Timelines for quick understanding and revision
- Thinking Points in and as ‘Ignite Your Mind’
- Updated with latest current affairs and data

CONTENTS

1. Introduction to Governance 1-16

2. Framework of Governance in India-I 17-40

3. Framework of Governance in India-II 41-56

4. Role of Civil Services in Democracy 57-67

5. Innovating Governance: Building Frameworks for a Tech-Driven World 68-81

6. Accountability and Transparency 82-106

7. Citizen Participation in Governance 107-129

8. Forging Unity: Exploring Consensus in India's Governance Landscape 130-134

9. Social Inclusion and Welfare Policies 135-150

10. Environmental Governance 151-164

11. Economic Governance 165-168

12. Corruption and Ethical Governance: Reforming Governance for the 21st Century 169-194

Introduction to Governance

1

INTRODUCTION

Governance can be defined as the **process of decision-making** and the **process by which decisions are implemented**. Governance is the **fundamental framework** guiding decision-making, accountability, and management within organisations, societies, and institutions. It involves the **systems, processes, and structures** that determine how authority is exercised, responsibilities are assigned, and actions are monitored to achieve goals in an ethical and effective manner. Applicable to corporate entities, government bodies, non-profits, and communities, governance establishes rules, regulations, and standards, shaping behaviour, promoting transparency, and safeguarding stakeholder interests.

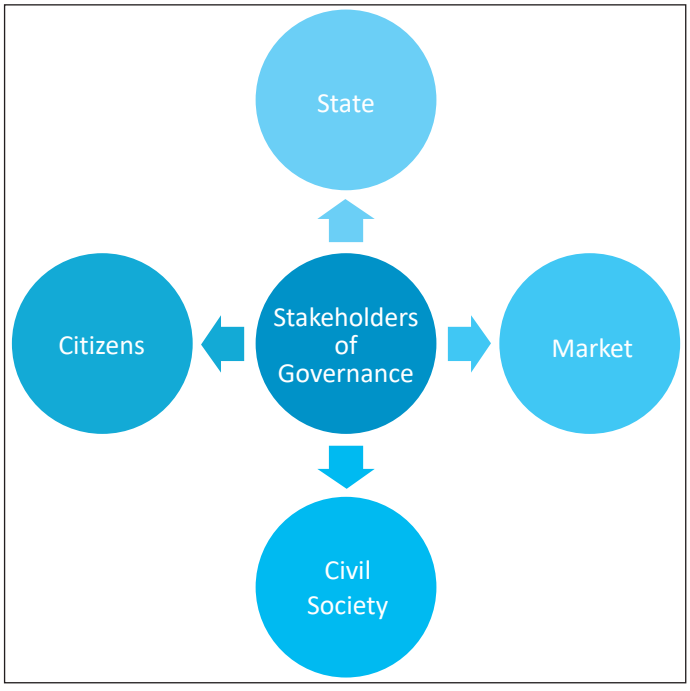


Fig. 1.1: Stakeholders of Governance

GOVERNMENT AND GOVERNANCE

Government: Government refers to the **system or institution** that exercises authority over a political entity, such as a nation, state, or community.

Governance: Governance refers to the **processes, mechanisms, and structures** through which decisions are made, authority is exercised, and actions are taken within an organisation, institution, or society.

Government	Governance
❑ Government encompasses **formal structures and institutions** in a state or country that **exercise authority, create and enforce laws, and manage public affairs.** ❑ It includes branches like **executive, legislature, and judiciary,** responsible for specific functions. ❑ Governments have the **power to levy taxes, formulate policies, maintain order, and provide public services.** ❑ The form and structure of government vary, ranging from **democratic to authoritarian, federal to unitary** models.	❑ Governance is a broader concept extending beyond formal government structures. ❑ It involves the **processes, mechanisms, and relationships** through which societies or organisations manage their affairs. ❑ Good governance entails **transparency, accountability, the rule of law,** and **effective stakeholder participation.** ❑ It applies not only at the national level but also within organisations, communities, and various other contexts.

ORIGIN OF THE TERM GOVERNANCE

The term **"governance"** is derived from the Greek word **'Kybernan,'** which means "to steer and pilot or be at the helm of things." While the term "governance" itself may be relatively recent, the principles and practices associated with it have deep historical foundations.

- **Ancient Civilizations:** Governance principles can be traced back to ancient civilizations such as **Mesopotamia, Egypt, Greece, and Rome.** These early societies developed systems of laws, structures of authority, and decision-making processes to organize their communities and manage resources.
- **Medieval and Feudal Systems:** During the medieval period, feudal systems emerged in Europe, incorporating hierarchical structures of governance and monarchies established centralised rule with varying degrees of power distribution.
- **Magna Carta (1215):** The Magna Carta, signed in 1215 in England, marked a significant milestone in the development of governance. It **limited the power of the monarchy,** emphasising the rule of law and the protection of individual rights.

- **Modern Governance Concepts:** The term **"governance"** gained prominence in the late 20th century, with **Harland Cleveland (1972)** coining the term 'governance' for the first time. It expanded beyond traditional government structures to include broader notions of accountability, transparency, and participation.
- **Globalisation and Interconnectedness:** In the contemporary era, governance has taken on new dimensions with the increasing interconnectedness of the global community. Concepts such as corporate governance, global governance, and non-governmental governance have emerged in response to complex, cross-border challenges.

MEANING OF THE TERM GOVERNANCE

- The **United Nations Development Programme (UNDP)** in 1997 defined governance as the **exertion of economic, political, and administrative authority** to oversee a country's affairs across all levels. It involves **mechanisms, processes, and institutions** through which citizens and groups express interests, exercise legal rights, fulfil obligations, and resolve differences.
- The **World Bank** in 1993, characterised governance as the method by which power is wielded in managing a country's political, economic, and social resources for development.
- **Professor Kuldeep Mathur** mentions his book **"From Government to Governance"** mentions that governance focuses on transformations occurring in the organisation of the state and its interactions with the private sector and civil society actors.
- According to the **Organisation for Economic Cooperation and Development (OECD),** governance refers to the political authority and control exercised in a society for social and economic development. **The OECD identifies key governance components as:**
  - Government legitimacy,
  - Accountability,
  - Competence in policy-making and service delivery, and
  - Adherence to human rights and the rule of law.
- According to **UNESCO (1997),** governance is described as **"a process whereby citizens"** needs and interests are articulated for the positive social and economic development of the entire society and in the light of a perceived common good. Governance means more than government: It refers to a political process that encompasses the whole society and contributes to making citizens active contributors to the social contract that binds them together. Their sense of political efficacy is one of the indicators of democratic governance".

HISTORICAL EVOLUTION OF GOVERNANCE

The historical evolution of governance is a complex and multifaceted process that has undergone significant transformations over millennia.

Mauryan and Gupta Empires: Administrative Systems

During the Mauryan and Gupta Empires in ancient India, distinct administrative systems were established, each contributing to the governance of vast territories and leaving a lasting impact on Indian history.

Mauryan Empire (322 BCE – 185 BCE)

- **Centralised Administration:** The Mauryan Empire, founded by Chandragupta Maurya, was characterised by a highly centralised administrative system.
  - Delegated certain powers to village panchayats, allowing for decentralised governance and local autonomy.
- **Existence of Village Councils:** The Mauryan administration recognized the significance of local self-governance and established village councils or panchayats to oversee local affairs.
  - These village councils were responsible for resolving disputes, collecting taxes, maintaining law and order, and overseeing community welfare activities.
- **Bureaucratic Structure:** Chandragupta Maurya's administration employed a bureaucratic structure, with officials appointed to oversee various aspects of governance, including taxation, law enforcement, and public works.
- **Arthashastra:** The Arthashastra, attributed to the Mauryan minister Chanakya (Kautilya), provides detailed insights into the administrative practices of the Mauryan Empire. It outlines principles of governance, including the role of the king, administration of justice, economic management, and diplomacy.
- **Efficient Revenue Collection:** The Mauryan administration implemented efficient revenue collection systems, including land taxation, which contributed to the empire's economic stability and prosperity.

Gupta Empire (320 CE – 550 CE)

- **Decentralised Governance:** Unlike the Mauryan Empire, the Gupta Empire favoured a more decentralised administrative structure.
- **Regional Administrators:** Governance was delegated to regional governors and administrators known as Samantas, who exercised authority over smaller territories on behalf of the central government.
- **Local Autonomy:** Village-level governance was upheld through local councils and panchayats allowing for greater autonomy in managing local affairs.

- Panchayats were the cornerstone of local governance, overseeing daily operations in villages and rural regions.
- Beyond administrative duties, they acted as judicial entities, settling disputes and upholding justice according to local customs.
- Importantly, panchayats fostered community involvement in governance, empowering villagers to contribute to decision-making and prioritise local needs.

❑ **Encouragement of Arts and Learning:** The Gupta period saw significant advancements in art, literature, science, and philosophy, facilitated by a stable and relatively decentralised administrative framework.

Overall, while the Mauryan Empire established a highly centralised administrative system, the Gupta Empire favoured a more decentralised approach to governance. Both empires contributed to the development of administrative practices in ancient India, shaping subsequent periods of Indian history and influencing governance structures in the region.

Medieval Period: Feudalism and Administrative Structures

During the Medieval Period, governance was heavily influenced by feudalism, which was the dominant socio-political system of the time. Here's how feudalism shaped administrative structures during this period:

Feudalism

Indian feudalism refers to a socio-economic and political system that existed in various parts of the Indian subcontinent during the medieval period. Some key features of Indian feudalism include:

❑ Landownership and hierarchy were central, with feudal lords, known as **zamindars or jagirdars,** holding large estates granted by the ruling authority in exchange for military service or tribute.

❑ Feudal relationships entailed a **hierarchical structure** where lords provided protection and land to peasants in exchange for labour, taxes, or military service.

❑ Governance was **decentralised,** with regional lords exercising significant authority over their territories, collecting taxes, administering justice, and maintaining order.

❑ The **economy was predominantly agrarian,** with peasants working the land owned by feudal lords and paying taxes or rents.

❑ **Social stratification** was prominent, with distinct social classes based on birth and occupation, including ruling elites, feudal lords, merchants, artisans, and peasants.

❑ **Social mobility was limited,** although exceptions existed based on royal favour or unique circumstances.

❑ **Legal systems were often localised,** with feudal lords exerting influence over the administration of justice within their domains.

IGNITE YOUR MIND

How has the historical evolution of governance, from tribal and feudal systems to modern democratic and authoritarian states, influenced the global distribution of power and the future trajectory of global governance structures in addressing contemporary challenges such as climate change, inequality, and technological disruption?

Administrative Structures

During the Delhi Sultanate period (1206-1526) and the Vijayanagara Empire (1336-1646), Indian feudalism and governance took different forms:

❑ **Delhi Sultanate:**

- **Centralised Authority:** Ruled from Delhi, the sultans exercised centralised authority but relied on feudal lords, called **mansabdars,** to govern provinces.
- **Islamic Legal System:** Introduced Islamic legal principles and established qazis for justice administration alongside Hindu laws and customs.
- **Taxation:** Imposed various taxes collected by feudal lords from peasants and forwarded to the central treasury.
- **Military Administration:** Maintained a powerful military force comprising cavalry, infantry, and elephants, with feudal lords contributing troops.
- **Iqta System:** The ruler granted tax revenue rights to military officers or nobles called **Iqtadars.** Iqtadars were **responsible for revenue collection, law enforcement, and maintaining order** in their territories. It allowed efficient management of the empire by **delegating responsibilities** to trusted officials, fostering loyalty, and strengthening control over distant provinces.

❑ **Vijayanagara Empire:**

- **Decentralised Governance:** Power was dispersed among local chiefs and nobles who ruled semi-autonomously, with the emperor exerting authority. The empire's administrative system was organised along feudal lines, with the king at the apex, followed by provincial governors **(nayakas),** district administrators **(deshadhipatis),** and village-level officials **(gramakutas).**
- **Amara Nayaka System:** It involved the grant of land and revenue rights to regional governors, known as **Nayakas or Palegars,** who acted as **semi-independent rulers** under the suzerainty of the monarch. It enabled efficient management of territories, promoted regional stability, and enhanced military capabilities, as Nayakas **defended their regions,** thereby reducing the burden on the central administration.

- **Hindu Legal System:** Administered justice based on Hindu legal traditions, with Brahmins serving as advisors.
- **Agricultural Economy:** Promoted agriculture through land grants, with peasants cultivating land and paying taxes.
- **Religious Patronage:** Known for the patronage of Hinduism and the arts, with temples receiving royal support and land grants.
- **Military Strength:** Maintained a formidable military force, with provincial rulers contributing troops to the imperial army.

While both systems had feudal elements, they differed in administrative structures, legal systems, and cultural influences.

Role of Zamindari System

The Zamindari system was a **land revenue system** introduced by the British during colonial rule in India. Under this system, **Zamindars, or landowners, were given ownership rights** over vast tracts of land, and they were **responsible for collecting revenue from the peasants** who cultivated the land. The system evolved from earlier land tenure systems in India and became more entrenched during British rule. The Zamindari system played a significant role in the medieval period, particularly in the Indian subcontinent under Mughal rule and later during British colonial administration.

- **Revenue Collection and Administrative Role:** Zamindars were pivotal in assessing and collecting land revenue on behalf of the ruling authority. They maintained records, assessed land revenue, and ensured tax collection. Acting as local representatives, they formed a crucial part of the administrative structure.
- **Intermediaries Between Rulers and Peasants:** Serving as intermediaries between the ruling authority and peasants, Zamindars facilitated communication and interaction, bridging the gap between the two groups.
- **Social Control and Economic Influence:** Zamindars wielded significant social and economic power, exercising authority over peasants, settling disputes, and providing local governance. They contributed to the economic structure by creating a class of landowning elites deriving income from agricultural revenue.
- **Land Ownership Rights and Impact on Peasantry:** While Zamindars controlled land revenue collection, the land remained the property of the ruling authority. This system often led to the exploitation and oppression of peasants, subjecting them to heavy taxation and other forms of mistreatment.
- **Decline and Abolition:** Criticised for its exploitative practices, the Zamindari system faced reforms during British colonial rule. Land reforms aimed to reduce power of zamindars and improve land ownership rights for peasants. Eventually, the system was gradually abolished after India gained independence.

Overall, the Zamindari system was a central feature of governance in the medieval period, shaping land ownership, revenue collection, and social relations in the regions where it was implemented.

Colonial Legacy: Impact on Governance

Administrative Policies of the British Raj

During the British Raj in India, administrative policies were shaped by the colonial administration's objectives of consolidating control, maximising economic exploitation, and maintaining social order.

- **Early Colonial Rule (1757-1858):**
  - After the **Battle of Plassey in 1757,** the East India Company began to establish control over parts of India.
  - The company initially focused on trade but gradually expanded its influence through military conquests and political alliances.
  - Governance during this period was characterised by indirect rule, with the company exercising authority through local princes and administrators.
- **Company Rule (1757-1858):**
  - The East India Company gradually became involved in administrative functions, such as tax collection, justice, and land revenue.
  - The establishment of administrative structures, such as presidencies and collectorates, laid the foundation for British colonial governance in India.
  - The company's policies often prioritised commercial interests and led to conflicts with local rulers and indigenous institutions.
- **Direct Crown Rule (1858-1947):**
  - After the Indian Rebellion of 1857, also known as the **Sepoy Mutiny,** control over India was transferred from the East India Company to the British Crown.
  - The British government introduced various reforms to centralise and modernise governance in India.
  - The **Indian Councils Act of 1861** and subsequent Acts expanded the role of Indian representation in legislative councils, albeit in limited capacities.
  - The implementation of uniform legal and administrative systems, including the **Indian Penal Code and Indian Civil Service,** aimed to streamline governance and strengthen British control.
- **Reforms and nationalism (late 19th-early 20th century):**
  - Growing Indian nationalism and demands for self-rule led to the introduction of certain reforms by the British government.
  - The **Morley-Minto Reforms (1909)** and the **Montagu-Chelmsford Reforms (1919)** granted limited legislative powers to Indian representatives and introduced elements of self-governance at the provincial level.

- However, these reforms fell short of Indian aspirations for full self-government and fueled the demand for independence.

- **Post-World War II and Independence (1945-1947):**
  - The end of World War II and the emergence of a global push for decolonization hastened the process of Indian independence.
  - The British government's inability to address Indian demands for self-rule and growing civil unrest, coupled with the leadership of figures like Mahatma Gandhi and Jawaharlal Nehru, culminated in the **independence of India on August 15, 1947.**

In essence, the administrative policies of the British Raj were designed to serve the interests of the colonial rulers and extract resources from India for the benefit of the British Empire. These policies had far-reaching consequences for Indian society, economy, and governance, shaping the course of Indian history for centuries.

Legacy of Administrative Centralization

The legacy of administrative centralization during the colonial era in India had a profound and lasting impact on the country's governance structures. Here are some examples of how this legacy influenced the Indian administration:

- **Centralised Administration:** The British established a highly centralised administrative system with ultimate authority vested in the **Governor-General** and later the **Viceroy.** This system facilitated direct control over various regions of India.
- **District Administration:** The district, headed by a District Collector with considerable control over local governance, became the fundamental administrative division. The autonomy of small communities was limited by this hierarchical organisation. For eg. **Indian Civil Service (ICS).**
- **Revenue Administration:** The British implemented a system of centralised revenue collection, where land revenue was collected by the state and channelled to the central treasury. The **Permanent Settlement of 1793** in Bengal, Bihar, and Odisha and subsequent land revenue systems centralised control over land revenue collection.
- **Police and Judicial Systems:** Centralised police and judicial systems were established to maintain law and order, controlled by colonial authorities with limited local participation.
  - The **Indian Penal Code (IPC)** and the **Code of Criminal Procedure (CrPC)** standardised the legal procedures.
- **Education and Language Policies:** Education policies centralised control and promoted English as the medium of instruction, fostering an elite class to serve colonial interests.
  - Institutions like the **University of Calcutta** and later the **University of Delhi** were established as centres of higher education under centralised administration.
- **Infrastructure Development:** The British invested in infrastructure projects such as **railways, telegraphs,** and **irrigation systems** to facilitate economic exploitation and administrative control. These projects also served British commercial interests by facilitating the movement of goods and raw materials.
- **Political Centralization:** Colonial governance centralised political power, sidelining traditional Indian political systems and eroding local autonomy.
- **Legal and Judicial Reforms:** The British introduced **English common law** and established a **hierarchical judicial system,** including High Courts and District Courts, to administer justice in India. They also **codified laws** and introduced legal procedures that often favoured British interests.

Overall, the legacy of administrative centralization during the colonial era in India entrenched hierarchical governance structures, limited local participation in decision-making, and prioritised colonial interests over those of the Indian population. These legacies continue to shape India's governance landscape and pose challenges for efforts to promote decentralisation, participatory governance, and local empowerment in the post-colonial era.

Governance in Post-independent India

Indian Story of Governance Pre-1991

The period before 1991 in India was marked by a centralised and regulated economic system, commonly referred to as the era of economic socialism.

- **Licence Raj:** The License Raj was a system characterised by extensive bureaucratic controls and regulations. Businesses needed licences for various activities, leading to **red tape** and stifling economic growth.
  - Obtaining a licence for starting a business or expanding operations involved navigating a complex bureaucratic process, contributing to delays and inefficiencies.
- **Import Substitution:** India followed a strategy of import substitution, aiming to produce goods domestically to reduce reliance on foreign imports.
  - The focus on self-sufficiency led to the establishment of public sector enterprises producing goods that were previously imported.
  - Indian automobile manufacturers such as **Hindustan Motors and Premier Automobiles Limited (PAL)** focused on producing cars domestically to meet the demand of the Indian market.
- **Public Sector Dominance:** The public sector played a dominant role in various industries. The government owned and operated many key enterprises, leading to limited competition and inefficiencies.
  - Industries such as **steel, coal, and banking** were primarily under government control, impacting innovation and efficiency.

- For example, Steel Authority of India Limited **(SAIL),** Indian Oil Corporation Limited **(IOCL),** Life Insurance Corporation of India **(LIC)** etc.

- **Five-Year Plans:** The government formulated Five-Year Plans to guide economic development. These plans were centralised and directed by the Planning Commission.
  - The **First Five-Year Plan (1951-1956)** focused on agriculture, emphasising land reforms and increasing agricultural productivity.
- **Socialist Policies:** The economic policies were aligned with socialist principles, emphasising equitable distribution of wealth and reducing income disparities.
  - **Progressive taxation** and **land reforms** aimed at reducing income inequalities.
- **Limited Globalisation:** India had limited integration with the global economy. Trade policies were **protectionist,** and foreign investment was heavily regulated.
  - High tariffs and trade barriers were in place to protect domestic industries from foreign competition.
- **Administrative Bureaucracy:** The bureaucracy played a central role in decision-making, often leading to bureaucratic delays and inefficiencies.
  - Obtaining government approvals for projects involved navigating through layers of bureaucracy, contributing to project delays.
- **Fiscal Policies:** Fiscal policies were often expansionary, leading to high fiscal deficits and inflation.
  - Government expenditure exceeded revenue, contributing to macroeconomic imbalances.
  - The gross fiscal deficit increased from **9% of GDP in 1980-81 to 12.7% of GDP in 1990-91.** The government's internal debt increased from 35% of GDP in 1985-86 to 53% of GDP in 1990-91.
- **Agricultural Emphasis:** The focus was on achieving self-sufficiency in food production, with an emphasis on the Green Revolution.
  - Introducing **high-yielding varieties of crops** and **modern agricultural practices** to increase food production.
  - Total food grain production rose from around 82 million metric tons in the early 1960s to over **190 million metric tons** by the late 1980s.
- **Limited Role of the Private Sector:** The private sector had a limited role, and its growth was constrained by regulatory barriers.
  - Private businesses faced restrictions on expansion and investment, limiting their contribution to economic growth.

This pre-1991 governance model underwent a significant shift with economic liberalisation and reforms initiated in 1991, marking a new era for Indian governance and economic policies.

The Indian Story of Governance Post-1991

The period post-1991 in India witnessed significant shifts in governance, marked by economic liberalisation and reforms.

- **Economic Liberalisation:** The shift towards economic liberalisation marked a significant change in governance as the Indian government moved away from the restrictive License Raj towards a more open and market-oriented economy. This led to increased competition, efficiency, and innovation in various industries, ultimately contributing to economic growth and development.
- **Privatisation:** By reducing the role of the public sector and encouraging private sector participation, the government aimed to enhance efficiency, productivity, and competitiveness in key industries, leading to improved service delivery and economic outcomes.
  - Strategic disinvestment and privatisation of state-owned enterprises, such as the sale of government stakes in **Bharat Aluminium Company (BALCO)** and **Hindustan Zinc Limited.**
- **Globalisation:** India increased its integration with the global economy, by liberalising trade policies and encouraging foreign direct investment. This change in governance facilitated increased trade, investment, and technology transfer, which stimulated economic growth, expanded employment opportunities, and enhanced India's standing in the global arena.
  - The establishment of **special economic zones (SEZs)** to attract foreign investments and promote exports.
- **Technology and Innovation:** Emphasis on technology-driven growth, particularly in the **Information Technology (IT) and software industries.** By promoting innovation and entrepreneurship in this sector, the government aimed to foster economic diversification, create high-value jobs, and enhance India's competitiveness in the global economy.
  - The emergence of Indian IT companies like **Infosys and TCS** showcased the country's capabilities in software development and IT services.
- **Financial Sector Reforms:** Reforms in the financial sector aimed to modernise and strengthen India's financial infrastructure, making it more resilient and efficient. By **liberalising interest rates, encouraging competition,** and promoting **financial inclusion,** the government sought to improve access to finance, mobilise savings, and support investment-led growth.
  - The establishment of new **private sector banks, the entry of foreign banks,** and the **adoption of technology** in banking services.
- **Agriculture Reforms:** Efforts to introduce **market-oriented policies** in agriculture represented a significant departure from traditional approaches to agricultural development. By prioritising productivity, market access, and rural infrastructure, the government aimed to **modernise the agricultural sector, enhance farmer incomes,** and promote overall **rural development.**

- Implementation of the **National Agricultural Policy (2000)** aimed at improving agricultural productivity, market access, and rural infrastructure.

- **Administrative Reforms:** Administrative reforms focused on streamlining processes, reducing bureaucracy, and improving efficiency in governance. The introduction of **e-governance** initiatives aimed to **digitise government services, enhance transparency,** and promote **citizen-centric governance,** ultimately leading to better service delivery and accountability.
- **Fiscal Discipline:** The emphasis on fiscal discipline was crucial for addressing macroeconomic imbalances and ensuring sustainable economic growth.
  - The implementation of the **FRBM Act** set clear targets for fiscal consolidation, promoted responsible fiscal management and reduced the risk of fiscal crises.
- **Social Sector Reforms:** Increased attention to social sector reforms underscored the government's commitment to inclusive development and welfare.
  - Implementation of flagship programs like the **Sarva Shiksha Abhiyan** (Education for All) and the **National Rural Health Mission.**
- **Regulatory Reforms:** Regulatory reforms aim to create a conducive environment for business and investment by ensuring fair competition and protecting consumer interests.
  - Establishment of regulatory bodies in sectors like telecom **(TRAI)** and insurance **(IRDA)** to oversee and regulate industry practices.

IGNITE YOUR MIND

How has India's governance transformation post-1991 economic liberalization shaped its socio-economic landscape, and what does this reveal about the balance between market-driven growth and equitable development in the context of a rapidly changing global economy?

The post-1991 governance model aimed at unleashing the potential of the Indian economy, fostering innovation, and improving the efficiency of government processes. These reforms played a crucial role in transforming India into a more dynamic and globally competitive economy.

State, Market and Civil Society in the Context of Governance

In the context of governance, the interactions between the state, market, and civil society play a crucial role in shaping policies, implementing programs, and addressing societal needs.

State

The state, represented by government institutions and agencies, holds the primary responsibility for governance. **Its roles include:**

- **Policy Formulation and Implementation:** The state formulates laws, regulations, and policies to address various social, economic, and environmental issues. It implements these policies through its administrative machinery. For example, the National Rural Employment Guarantee Act **(NREGA)** in rural areas.
- **Service Delivery:** The state provides essential services such as healthcare, education, infrastructure, and social welfare programs to citizens. It ensures equitable access and quality of services across different segments of society. **For example,** The implementation of the National Health Mission **(NHM),** Public Distribution System **(PDS)** etc.
- **Regulation and Oversight:** The state regulates markets, industries, and public institutions to ensure fair competition, consumer protection, environmental sustainability, and adherence to laws and regulations. E.g., **SEBI** regulates stock markets and investments.
- **Public Goods Provision:** The state invests in public goods and services that benefit society as a whole, such as public infrastructure, national defence, and law enforcement. For example, **Vande Bharat Trains.**
- **Social Justice and Equity:** The state promotes social justice, inclusivity, and equity by enacting policies to address inequalities, protect human rights, and empower marginalised communities. For example, affirmative action programs like **reservation quotas** in education and employment.

Market

The market refers to the private sector, comprising businesses, industries, and financial institutions. Its roles include:

- **Economic Growth and Development:** The market drives economic growth, innovation, and productivity by producing goods and services, creating jobs, and generating wealth.
  - For example, India's IT sector, including companies like **Infosys and Tata Consultancy Services (TCS),** has contributed significantly to the country's GDP growth and employment.
- **Resource Allocation:** The market allocates resources efficiently through supply and demand dynamics, pricing mechanisms, and competition. It fosters entrepreneurship, investment, and wealth creation.
  - For instance, **commodity markets** determine prices for agricultural produce, facilitating trade and distribution.
- **Innovation and Entrepreneurship:** The market encourages innovation, entrepreneurship, and technological advancements by rewarding risk-taking, creativity, and efficiency. It drives market-driven solutions to societal challenges.
  - Companies like Reliance Industries in India invest in research and development, leading to innovations in sectors like telecommunications and renewable energy.

- **Wealth Distribution:** The market distributes wealth and income through wages, profits, dividends, and investments. It contributes to poverty reduction and social mobility by creating opportunities for wealth accumulation and economic participation.
  - For example, the Indian **stock market** allows individuals to invest in companies, enabling wealth creation and diversification.
- **Promoting Competition:** In India, sectors like telecommunications, aviation, and retail have seen improvements due to increased competition. For instance, private telecom operators have lowered tariffs and improved connectivity.
- **Public-Private Partnerships (PPPs):** Infrastructure projects like highways, airports, and power plants have been developed through PPP models, combining government funding with private sector expertise for enhanced service delivery.
  - The Smart Cities Mission encourages PPPs to leverage private sector expertise and investment for smart infrastructure, urban services, and sustainable solutions.
- **Innovative Financing Instruments:** Initiatives like **Social Impact Bonds (SIBs)** attract private capital to fund social interventions, such as the **Rajasthan Development Impact Bond** for improving healthcare outcomes in rural areas.

Civil Society

Civil society comprises non-governmental organisations (NGOs), community groups, advocacy organisations, and voluntary associations. Its roles include:

- **Advocacy and Activism:** Civil society advocates for the rights and interests of citizens, promotes social justice, and holds governments and businesses accountable for their actions. For instance, NGOs like **Greenpeace** in India raise awareness about environmental issues and advocate for sustainable development practices.
- **Service Delivery and Social Welfare:** Civil society organisations deliver social services, humanitarian aid, and development assistance to communities, especially in areas where the state's capacity is limited.
  - Organisations like **Akshaya Patra,** which provides mid-day meals to schoolchildren in India, address malnutrition and promote education.
- **Community Engagement and Empowerment:** Civil society fosters civic engagement, community participation, and grassroots mobilization to address local issues, promote democracy, and build social cohesion.
  - Initiatives like the **Self-Employed Women's Association (SEWA)** in India empower women by providing them with access to credit, training, and market linkages.
- **Monitoring and Oversight:** Civil society monitors government policies and programs, conducts research, and provides independent analysis and feedback to policymakers and the public. It enhances transparency, accountability, and good governance practices.
  - Organisations like **Transparency International India** work to combat corruption by promoting transparency, accountability, and integrity in public institutions.

In summary, effective governance requires collaboration and coordination between the state, market, and civil society to address complex challenges, promote sustainable development, and improve the well-being of society. Each sector contributes unique strengths, perspectives, and resources to governance processes, emphasising the importance of multi-stakeholder engagement and partnership in achieving common goals.

Role of State in Era of Contemporary Governance

In the era of contemporary governance, the role of the state remains crucial but has evolved to adapt to changing societal needs, technological advancements, and globalisation.

- **Promotion of Economic Development:** Governments play a significant role in fostering economic growth, creating employment opportunities, and reducing poverty. This involves implementing economic policies that promote investment, innovation, entrepreneurship, and trade. The state also provides support to disadvantaged groups and regions through targeted development programs.
  - The **Make in India** initiative, launched to encourage domestic manufacturing, attract foreign investment, and promote India as a global manufacturing hub.
- **Environmental Sustainability:** With growing concerns over climate change and environmental degradation, governments play a key role in promoting environmental sustainability. This involves setting regulations to reduce pollution, conserve natural resources, and mitigate the impacts of climate change. States also invest in renewable energy, conservation efforts, and sustainable development practices.
  - The **Swachh Bharat Mission (SBM)** is a national sanitation campaign launched to achieve universal sanitation coverage and eliminate open defecation.
- **National Security:** Governments are responsible for ensuring the safety and security of their citizens by maintaining armed forces, intelligence agencies, and law enforcement bodies. For example, **The Research and Analysis Wing (RAW), National Cyber Security Centre (NCSC)** etc.
- **Education:** Governments invest in education infrastructure, formulate curriculum standards, and provide funding for schools and universities to promote literacy, skill development, and lifelong learning.
  - Initiatives like the **Sarva Shiksha Abhiyan (SSA)** and the **Rashtriya Madhyamik Shiksha Abhiyan (RMSA)** focus on universalizing elementary and secondary education

- **Global Engagement:** In an interconnected world, states engage in global governance processes to address transnational issues such as **international security, trade, human rights, and migration.** Governments participate in international organisations, treaties, and diplomatic negotiations to promote peace, cooperation, and shared prosperity on a global scale.
  - India's participation in forums like the **United Nations** reflects its commitment to multilateralism, diplomacy, and collaboration to advance common interests and achieve shared objectives on the global stage.
- **Digitalisation of Services:** governments have developed centralised online platforms or portals where citizens can access a wide range of government services and information from a single interface.
  - **"Digital India"** offers various online services; **"MyGov"** platform, facilitates citizen participation in governance by inviting ideas, suggestions, and feedback from citizens on various policy matters; and **UPI,** a real-time payment system developed by the National Payments Corporation of India (NPCI) to facilitate instant fund transfers between bank accounts using mobile devices.

In essence, the role of the state in governance is instrumental in realising the aspirations of a New India or a Developed India by driving economic growth, fostering inclusive development, building world-class infrastructure, ensuring good governance, and enhancing India's global standing and competitiveness.

THE CONCEPT OF GOOD GOVERNANCE

'Governance' is a neutral term, whereas **'Good Governance'** conveys positive attributes and values linked to the quality of governance. It's a dynamic concept, and defining the elements of good governance involves a significant degree of subjectivity.

- Alternatively, drawing inspiration from **Mahatma Gandhi's vision of Ram Rajya,** good governance is characterised as aspiring towards an India that embodies the principles of a welfare state. This envisions addressing the needs of the marginalised, prioritising the well-being of the common people, and fostering progress through local industries.

Difference between Governance and Good-Governance

Governance	Good Governance
Neutral Term: Governance is a neutral and overarching term that refers to the broader system, processes, and structures by which organisations, societies, or institutions are directed and controlled.	**Normative Term:** Good governance introduces a normative dimension, implying positive attributes and values associated with high-quality governance.
Comprehensive Concept: It encompasses the entire range of decision-making processes, rule establishment, and the distribution of authority within an entity.	**Desirable Qualities:** It emphasises ethical, transparent, accountable, and participatory decision-making and management. Good governance seeks to ensure fairness, inclusivity, and responsiveness to the needs and rights of stakeholders.
Can be Positive or Negative: Governance itself does not inherently carry positive or negative connotations. It can be effective or ineffective, depending on how it is implemented.	**Aspirational Goal:** Good governance is often used as an aspirational goal, indicating a set of practices that contribute to positive outcomes for individuals, organisations, and societies.

Various Perspectives on Good Governance

- **Kautilya (350 - 283 BCE.),** an ancient Indian philosopher and economist, highlighted key elements of good governance in his treatise, the **"Arthashastra".** His perspective on good governance is deeply rooted in the **principles of dharma (righteousness), artha (economic prosperity), and kama (fulfillment of desires).** His perspective on good governance includes:
  - **Role of the King:** Kautilya believed in a powerful and authoritative ruler who ensures the well-being of the state and its citizens.
  - **Economic Management:** Good governance, according to Kautilya, involves effective economic management, including taxation and revenue collection, to fund the state's activities. He also believed in a limited but strong role for the state.
  - **Espionage and Diplomacy:** Kautilya stressed the significance of intelligence gathering and strategic diplomacy for the security and stability of the state.
  - **Transparency and Accountability:** Kautilya stressed transparency, accountability, and anti-corruption measures in governance, using the analogy of fish drinking water to highlight its contagious nature. He proposed regular audits, public expenditure disclosure, and mechanisms to hold officials accountable for resource efficiency and governance integrity.

IGNITE YOUR MIND

How does the concept of good governance, with its emphasis on transparency, accountability, and inclusivity, challenge traditional power structures and offer a pathway to sustainable development in an era marked by political polarization and environmental crises?

- **Dharma (Ethics):** Kautilya emphasized the importance of ethical conduct in governance. He believed that rulers should uphold dharma, or righteousness, in their actions and decisions to maintain social order and harmony.
- **National Security:** Good governance, in Kautilya's view, entails ensuring the security and defense of the state against external threats and internal unrest. He emphasized the importance of a strong military and intelligence apparatus, as well as diplomatic strategies, to safeguard the interests of the state and maintain peace and stability.
- **Facilitative Role of the State:** Kautilya emphasized the state's facilitative role in governance, promoting economic prosperity and social stability through infrastructure, security, and justice provision, while minimizing interference in individual and business affairs.

- **Plato (427 - 348 BC):** The ancient Greek philosopher, explored the concept of governance in his work **"The Republic."** Plato's perspective on good governance includes:
  - **Philosopher-King:** Plato proposed a utopian idea of governance led by philosopher-kings, individuals with wisdom and a commitment to the common good.
  - **Guardians and Classes:** He envisioned a society structured into classes, with each class having a specific role. The guardians, representing the ruling class, were expected to embody wisdom and virtue.
  - **Justice and Virtue:** Good governance, for Plato, involves the establishment of justice and the cultivation of virtues within the ruling class, leading to harmony and balance in society.
- **Aristotle (384 - 322 BCE):** Another influential Greek philosopher, provided insights into governance in his work "Politics." His perspective on good governance includes:
  - **Polity:** Aristotle proposed the idea of polity, a mixed form of government that combines elements of democracy and oligarchy. He considered it to be the most stable form.
  - **Rule of the Middle Class:** Aristotle advocated for the middle class as the key to a stable and just government. He believed that the middle class could prevent extremes and maintain balance.
  - **Rule of Law:** Good governance, according to Aristotle, involves the rule of law and constitutional government, ensuring that rulers govern for the common good.

Origins of the Modern Concept of Good Governance

The modern concept of good governance has evolved through historical, political, and philosophical developments:

- **Post-World War II Reforms:** Post-World War II, global devastation prompted a reassessment of governance structures. This led to the creation of international organisations, including the **United Nations and Bretton Woods institutions** (The World Bank and International Monetary Fund), focusing on **principles of cooperation, human rights, and development.**
- **Decolonization and Nation-Building:** The mid-20th century witnessed the decolonization of many countries, leading to the emergence of new nations. As these nations sought **to establish stable governance, the principles of good governance,** including transparency, accountability, and participation, gained importance in shaping post-colonial institutions.
- **Shift towards Development:** During the 1960s and 1970s, the focus shifted from mere statehood to development. International development agencies have started emphasising the importance of effective governance in achieving **sustainable development goals.** The World Bank's involvement in development projects played a crucial role in promoting good governance as a prerequisite for economic progress.
- **Rise of Civil Society Movements:** Civil society movements and activism in the latter half of the 20th century brought attention to **issues of human rights, social justice, and accountability.** These movements played a significant role in shaping the discourse on good governance by highlighting the importance of citizen participation and inclusivity.
- **End of the Cold War:** The end of the Cold War in the late 1980s and early 1990s led to the **spread of democracy and liberal values.** Good governance became associated with democratic principles, rule of law, and the protection of individual rights. International organisations and donor agencies increasingly tied aid and assistance to improvements in governance.
- **United Nations Development Program (UNDP):** The UNDP, through its Human Development Reports, contributed to defining and measuring good governance indicators. The UNDP's emphasis on factors such as **political stability, voice and accountability, and rule of law** helped shape the contemporary understanding of good governance.

- **Globalisation and Technological Advances:** The advent of globalisation and advances in technology-facilitated greater interconnectedness and transparency. This, in turn, placed a spotlight on the need for accountable and efficient governance systems to attract investment and ensure sustainable development.

Characteristics of Good Governance

Good governance is characterised by a set of principles and practices that contribute to effective, accountable, and ethical governance. The **United Nations Development Programme (UNDP)** acknowledges eight fundamental attributes of good governance:

- **Participation:** In participatory governance, individuals have the opportunity to engage in decision-making, implementation, and oversight of government activities. For instance, the innovative **platform MyGov** was introduced to foster citizens' involvement in governmental decision-making processes.
- **Consensus-Oriented:** Good governance involves mediating diverse societal interests to achieve a broad consensus on what is deemed beneficial for the entire community. **Example:** Decentralisation of **decision-making through Gram Sabha** and the inclusion of social auditing provisions.
- **Rule of Law:** Good governance requires the establishment of uniform and equally applied legal structures. For example, **enforcing property rights is** fundamental to a functioning economy and society.
- **Transparency:** Transparency in governance relates to the clarity of decision-making processes and their implementation through laws and regulations. It also implies the accessibility of information in easily understandable formats. Example: **Right to Information (RTI) Act.**
- **Accountability:** Accountability involves the acknowledgement and assumption of responsibility for actions, services, decisions, and policies. It comprises elements such as answerability, sanctions, recourse, and system reform. Mechanisms like the **RTI Act** and **Citizen Charter** contribute to fostering accountability.
- **Responsiveness:** Good governance dictates that institutions and procedures must strive to fairly represent all stakeholders within reasonable timelines. For example, the implementation of **grievance redressal mechanisms** which aim to address citizens' complaints, feedback, etc.
- **Effective and Efficient:** Systems and organisations in good governance deliver outcomes that optimally utilise available resources, including the just use of natural resources and environmental conservation. For example, **Digital Governance** initiatives and the **implementation of GST** can be considered as the effective and efficient component.
- **Equitable and Inclusive:** Good governance ensures that individuals have opportunities to enhance or maintain their well-being. This requires providing inclusive opportunities for all groups, especially the most vulnerable, to improve or sustain their overall well-being. For example, **reservation policies** and **social welfare schemes.**

Importance of Effective Governance in Diverse Societies

Effective governance refers to the **efficient and transparent management of public affairs** by governing bodies to achieve desired outcomes and meet the needs of society. It encompasses a set of principles, processes, and institutions aimed at **promoting accountability, responsiveness, inclusivity,** and the **rule of law.**

Effective governance in diverse societies is crucial for ensuring social cohesion, equitable development, and peaceful coexistence among different cultural, ethnic, and religious groups. Effective governance is of paramount importance in diverse societies due to several key reasons:

- **Representation and Inclusivity:** Effective governance ensures that the voices and perspectives of all groups within the society are heard and represented in decision-making processes. This inclusivity **fosters a sense of belonging** and ensures that policies and initiatives are equitable and responsive to the needs of different communities.
  - For instance, **Canada's multicultural policies** and the recognition of French and English as official languages exemplify efforts to accommodate diverse identities within the governance framework.
- **Social Cohesion and Harmony:** Effective governance plays a critical role in **promoting understanding, tolerance, and respect** among diverse groups. By enacting policies that protect minority rights, address discrimination, and promote intercultural dialogue, governance helps to mitigate social tensions and build cohesive societies.
  - In countries with a history of ethnic or religious tensions, such as **South Africa post-apartheid or Northern Ireland after the Troubles,** effective governance is essential for promoting reconciliation and healing wounds of the past.
- **Policy Responsiveness:** Effective governance entails the ability to understand and address the diverse range of issues facing different segments of the population. Policies must be tailored to **accommodate cultural sensitivities, address socioeconomic disparities, and promote social justice** to ensure that all members of society can thrive.
  - **Malaysia's affirmative action policies,** aimed at improving the socio-economic status of the indigenous Malay population, demonstrate governance efforts to redress historical inequalities and promote social cohesion.

- **Economic Development and Innovation:** Effective governance creates an enabling environment for economic development by removing barriers to participation, promoting diversity in the workforce, and facilitating collaboration among diverse groups. By harnessing the talents and contributions of all members of society, governance can stimulate innovation and drive sustainable development.
  - **Silicon Valley in the U.S.** and **Australia's multicultural cities** serve as examples of how diverse societies drive economic dynamism through innovation and creativity.

IGNITE YOUR MIND

How can effective governance accommodate the complexities of diverse societies to ensure equitable access to resources and opportunities, while also fostering social cohesion and resilience against divisive forces in an increasingly interconnected world?

- **Conflict Prevention and Resolution:** Effective governance plays a crucial role in conflict prevention and resolution by promoting dialogue, mediation, and reconciliation. By addressing grievances, **promoting social justice, and upholding the rule of law,** governance helps to mitigate conflicts and maintain peace within diverse societies.
  - Through initiatives like **interethnic dialogue, community policing,** and **justice reform, governance institutions** work to address underlying tensions, build trust among different groups, and prevent the recurrence of violence.

Reference of Good Governance in Indian Constitution

While the term "good governance" may **not be explicitly mentioned in the Indian Constitution,** several constitutional provisions and principles implicitly contribute to the concept of good governance. Here are some references

- **Preamble:** The Preamble of the Indian Constitution outlines the ideals of justice, liberty, equality, and fraternity, reflecting the principles of good governance.
- **Directive Principles of State Policy:**
  - **Article 38:** Directs the State to secure a social order for the promotion of the welfare of the people and to strive to minimise inequalities.
  - **Article 39:** Mandates the State to direct its policy towards securing justice and equality, and to ensure that the ownership and control of material resources are distributed to serve the common good.
  - **Article 40:** Emphasises the organisation of village panchayats for securing the democratic governance of rural areas.
- **Fundamental Rights:**
  - **Article 14:** Ensures equality before the law and equal protection of laws, a fundamental principle of good governance.
  - **Article 15:** Prohibits discrimination on grounds of religion, race, caste, sex, or place of birth, fostering inclusive governance.
  - **Article 21:** Guarantees the right to life and personal liberty, interpreted expansively to include the right to a dignified life, emphasising human rights and welfare.
- **Right to Information (RTI):** Though not explicitly mentioned in the original Constitution, the Right to Information is a crucial aspect of good governance. It was later affirmed through legislative measures such as the Right to Information Act, 2005.
- **Independence of Judiciary:**
  - **Article 50:** Separation of the judiciary from the executive is implicitly emphasised, contributing to the rule of law and accountability.
- **Local Self-Government:**
  - **Article 243:** Provides for the constitutional recognition of panchayats and municipalities promoting decentralisation and local self-governance.
- **Accountability and Anti-Corruption Measures:**
  - **Article 311:** Provides safeguards for civil servants, balancing protection and accountability.
  - **Article 360:** Allows the President to declare a financial emergency in case of a threat to the financial stability or credit of India.

Good Governance in India

- The concept of good governance in India has deep roots in ancient civilization, where rulers were bound by a code of conduct known as **'Raj Dharma.'** This principle emphasised the ruler's duty to ensure the welfare and happiness of the people. Ancient scriptures, including the **Jataka tales, Mahabharat, Arthashastra,** and **Ramayana,** elaborate on the principles of Good Governance.
- The Arthashastra, attributed to Kautilya, emphasises that the king's happiness lies in the happiness and welfare of the people.
- The **Shanti Parva of Mahabharat** dedicates considerable space to Raj Dharma, stressing the king's duty to seek and promote the welfare of subjects.
- **Bhishma Pitamaha,** a master of governance, highlights the foundation of good governance as righteousness in public affairs.
- The **Rig Veda** underscores the dual purposes of life: emancipation of the soul and welfare of the world.
- The **Brihadaranya Upanishad** emphasises the king's responsibility to protect Dharma, ensuring equal opportunities and preventing exploitation.

G → Genuine
O → Optimistic
V → Versatile
E → Ethical
R → Responsive
N → Non-partisan
A → Accountable
N → Nurturing
C → Competent
E → Enterprising

- In Indian scriptures, Good Governance is synonymous with Raj Dharma, emphasising adherence to righteousness and justice for the public good.
- The recognition of the importance of governance gained prominence in the 1990s, with the World Bank raising concerns. The **Ninth Five Year Plan (1997-2002)** highlighted implementation challenges and weak spots in plan programs.
- The **Tenth Five Year Plan (2002-2007)** specifically addressed governance, defining it as the management of processes that enable individuals to enhance their capabilities and realise their potential. This includes political, social, and economic aspects, involving the State, civil society, and the market, critical for sustaining human development.

Major Initiatives To Promote Good Governance

- **Decentralisation:** Strengthened local governments through the 73rd and 74th Constitutional Amendments (1992), establishing elected panchayats and municipalities.
- **Right to Information:** The Right to Information Act, 2005 empowers citizens to examine government works, ensuring alignment with principles of public interest, integrity, and justice.
- **Greater Responsiveness:** Enhanced citizen access to information correlates with increased government responsiveness to community needs.
  - The **Centralised Public Grievance Redress and Monitoring System (CPGRAMS)** allows citizens to register complaints online, track their status, and receive timely resolutions.
- **E-Governance:** Utilises information and communication technologies (ICTs) for efficient service delivery, contributing to social and economic transformation.
- **National Centre for Good Governance:** Established in 2014 under the Ministry of Personnel, Public Grievances, and Pensions to focus on public policy, governance, reforms, and civil servant capacity building.
- **Mission Karmayogi:** Aims to transform bureaucratic capacity building through institutional and process reforms under the National Programme for Civil Services Capacity Building.
- **Good Governance Index:** Provides quantifiable data for comparing governance across states and Union Territories, guiding strategies for improvement and promoting result-oriented approaches.
- **Criminal Justice Reforms:** Scrapped nearly 1,500 obsolete rules and laws to enhance transparency and efficiency, introducing e-FIRs, among other measures.
- **Ease of Doing Business:** Legislative improvements and policy enhancements targeted at creating a favourable business environment in the country.
- **Digital India:** The initiative aims to digitise governance, infrastructure, and literacy to foster transparency and efficiency. Examples include Aadhaar cards and digital payment platforms, enhancing service delivery and curbing corruption.
- **Direct Benefit Transfer (DBT):** DBT transfers subsidies and welfare benefits directly to beneficiaries' bank accounts, cutting out intermediaries and reducing leakages and corruption. Examples include schemes like the **Pradhan Mantri Jan Dhan Yojana (PMJDY) and LPG subsidy** transfers through Aadhaar-linked accounts, showcasing efficient governance and financial inclusion.
- **Goods and Services Tax (GST):** GST simplifies India's indirect tax structure, promoting transparency, compliance, and ease of doing business. By replacing multiple state and central taxes with a unified tax system, GST enhances accountability, reduces tax evasion, and fosters economic growth.
- **Other Initiatives:** MCA21, online Income Tax Return Filing, Pro-Active Governance and Timely Implementation (PRAGATI), Digital India Mission, among various other initiatives contributing to good governance.

Good Governance Index 2021

- On **Good Governance Day** (December 25th), the government unveiled the Good Governance Index 2021.
- This index was formulated by the **Department of Administrative Reforms and Public Grievances (DARPG),** operating under the Ministry of Personnel, Public Grievances and Pensions.
- The Good Governance Index (GGI) serves as a **comprehensive and actionable framework** for evaluating the state of governance across various states and Union Territories (UTs), facilitating their ranking. Its primary objective is to provide a **uniform tool for assessing the impact of interventions** by both Central and State governments, including UTs.
- This index, envisioned as a **biannual exercise,** relies on **ten sectors and 58 indicators** to establish rankings.

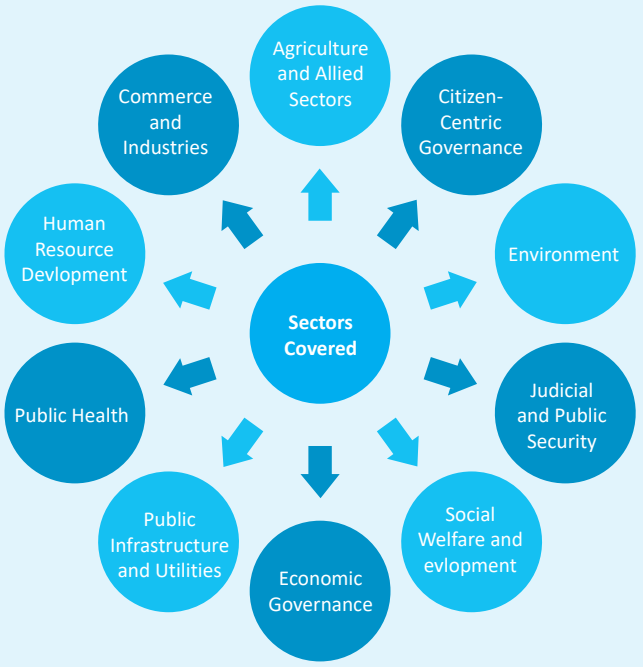


Fig. 1.4: Sectors Covered in Good Governance

- States and UTs are categorised into four groups for ranking purposes:
  - **Other States – Group A:** Gujarat secures the top spot in the composite ranking, followed by Maharashtra and Goa.
  - **Other States – Group B:** Madhya Pradesh leads this group, trailed by Rajasthan and Chhattisgarh.
  - **North-East and Hill States:** Himachal Pradesh emerges as the frontrunner, with Mizoram and Uttarakhand following suit.
  - **Union Territories:** Delhi claims the highest composite rank, exhibiting a 14% increase over the GGI 2019 indicators.

Good Governance Practices

The Documentation and Dissemination Division of the Department of Administrative Reforms and Public Grievances (DARPG) primarily handles the tasks of documenting, fostering, and spreading good governance practices of the Centre, State/Union Territory Governments to facilitate mutual learning and replication. The Division oversees various activities:

- **Financial Assistance to States/UTs for Professional Documentation and Dissemination of Good Governance Practices:** This scheme provides financial aid to support the professional documentation and dissemination of good governance initiatives by State/UT Governments, aiming at sharing experiences and replicating successful practices. Notably, the Department has granted financial assistance for the professional documentation of 62 such initiatives from 21 different States/UTs.
- **Series of Presentations on Best Practices:** Organized by the Cabinet Secretary, in 2005 this series offers presentations on successful governance initiatives to secretaries and senior officers from state and central governments. These presentations, covering diverse topics, aim to facilitate the replication of effective governance models.
- **Regional Conferences on Reforms for Citizen Centric Governance:** These conferences bring together national and state-level organizations, NGOs, media, etc., to discuss and share experiences on good governance practices, including Citizen Charters, transparency, and public grievance redressal systems.
- **Publication of Books:** The division compiles lectures and presentations into books, providing useful resources for administrators and facilitating the dissemination and replication of successful governance practices.
- **Production of Documentary Films on Best Practices:** The Department produces documentary films showcasing successful governance initiatives across India, aiding administrators in learning from each other's experiences.
- **Governance Knowledge Centre (GKC):** A web-based repository initiated by the Department, the GKC provides access to digital resources, case studies, and best practices in governance, serving as a platform for knowledge exchange and capacity building.
- **Conference of Secretaries (AR) of all States/UTs:** The goal of this novel initiative is threefold:
  - To establish a nationwide platform for states to exchange experiences regarding reforms and initiatives aimed at enhancing public service delivery, effectiveness, transparency, and accountability in administration, as well as to ensure citizen-friendly governance;
  - To address the challenges encountered by state governments in achieving these objectives; and
  - To meet the expectations of state and Union Territory (UT) governments from the Department of Administrative Reforms & Public Grievances (AR & PG), Government of India.
- **Publication of 'Management in Government'–A Quarterly Journal:** This journal facilitates the exchange of views among administrators, academicians, and scholars on the application of management techniques to public administration.
- **Publication of 'Civil Services News'–A Monthly Newsletter:** Aimed at serving and retired civil servants, this newsletter provides updates on personnel management, administrative reforms, and public grievances, among other relevant matters.

Barriers to Good Governance

Organisational Barriers

- **Lack of Accountability:** Authority often lacks a corresponding level of accountability, leading to an ineffective informant system.

- **Red-Tapism:** Bureaucratic adherence to rules, while essential for governance, can become cumbersome, causing policy paralysis.
- **Silo Mentality:** When departments or units within an organisation operate in isolation from one another, it can hinder collaboration, coordination, and the sharing of information, resulting in fragmented approaches to governance.
- **Ineffective Implementation of Laws and Rules:** Weak implementation, as seen in the delayed resolution of Right to Information (RTI) cases, hampers effective governance.
- **Resistance to Mindset Change:** A resistant mindset among government employees impedes efforts to ensure transparency and accountability.
- **Political Interference:** Political pressure or interference in organisational decision-making can compromise the impartiality and integrity of governance processes, leading to favouritism, nepotism, and patronage.
- **Inadequate Resources:** Insufficient funding, staffing, and infrastructure can limit the capacity of organisations to deliver quality services and meet the needs of citizens effectively.
- **Citizen's Charter:** The Citizen's Charter is intended to enhance transparency, accountability, and citizen-centric governance, its efficacy depends on effective implementation, compliance, awareness, redressal mechanisms, and monitoring mechanisms. Failure in any of these areas can impede its ability to serve as a facilitator of good governance.
- **Limited Digitalization:** Inadequate digitalization and infrastructure in government offices hinder transparency and accountability measures.

Issues with Indian Political Structure

- **Empowerment of Local Governance:** Local governance institutions need empowerment for effective functioning and enhanced ground-level governance capacity.
- **Lack of Electoral Reforms:** To combat political corruption, the election system needs to be reformed in light of funding and bribery concerns.
- **Archaisms in Laws:** Outdated laws and traditional perspectives fail to meet the expectations of modern, market-oriented citizens.
- **Criminalization of politics:** The criminalization of politics is a pressing issue, with **43% of Lok Sabha MPs in 2019 facing charges,** marking a 26% increase from 2014. This trend, coupled with the unhealthy connections between politicians, civil servants, and businesses, negatively impacts public policy formulation and governance.

Institutional Barriers

- **Damage and Erosion of Institutions:** Legal and regulatory institutions lack robustness, hindering their ability to meet modern challenges.
- **Inefficiency of Public Institutions:** Key institutions like CBI and CVC face challenges in delivering promised outcomes, affecting overall governance.
- **Unreformed Judicial System:** The internal organisation of the judicial system, including legal proceedings and education for lawyers and judges, remains largely unreformed.
- **Low Awareness of Citizens' Rights and Duties:** Inadequate awareness among citizens about their rights hampers their ability to hold government officials accountable.

IGNITE YOUR MIND

What are the most significant barriers to achieving good governance in contemporary societies, and how do these obstacles intertwine with global challenges such as corruption, political instability, and the digital divide to influence policy effectiveness and public trust?

Way Forward

India's governance landscape faces numerous challenges, evident in the organisational and structural barriers you've outlined. Addressing these requires a multi-pronged approach:

Strengthening Accountability

- **Empower Information Commissions:** Grant them adequate resources and autonomy to investigate and penalise non-compliance with RTI requests.
  - **Example:** States like Tamil Nadu and Maharashtra have proactive disclosure portals and efficient RTI response mechanisms, showcasing best practices.
- **Citizen-led Accountability Mechanisms:** Support community-based monitoring initiatives and citizen report cards to evaluate government performance.
- **Performance-based Incentives and Sanctions:** Link promotions, bonuses, and disciplinary actions to performance metrics and adherence to accountability norms.
  - **Example:** Pilot projects in some states linking promotions to citizen satisfaction surveys in public service delivery could be scaled up nationally.

Streamlining Bureaucracy

- **Simplification of Rules and Procedures:** Conduct regular reviews and simplify bureaucratic processes, focusing on efficiency and public service delivery.
  - **Example:** The Department of Industrial Policy and Promotion's single window clearance system for business licences has reduced approval times and paperwork.

- **Technology-driven Solutions:** Implement e-governance platforms and automate administrative tasks to reduce red tape and improve transparency.
- **Cross-departmental Collaboration:** Foster teamwork and knowledge sharing between departments to break down silo mentality and improve coordination.
  - **Example:** The Mission Innovation Platform brings together different ministries to work on shared goals, such as clean energy, fostering collaboration and overcoming siloed mentalities.

Ensuring Effective Implementation

- **Capacity Building:** Invest in training and skill development for government officials to improve their ability to implement laws and policies effectively.
- **Performance Monitoring and Evaluation:** Establish robust monitoring systems to track progress, identify bottlenecks, and take corrective action.
- **Citizen Feedback Mechanisms:** Create channels for citizens to report issues and provide feedback on service delivery, allowing for timely intervention and improvement.
  - **Example:** Rajasthan's Lok Sabha Mukhi Yojana empowers gram sabhas (village councils) to conduct social audits of government schemes, leading to improved transparency and accountability.

Addressing Mindset Change

- **Performance-based Promotions:** Reward officials based on merit, performance, and commitment to public service values.
- **Public Awareness Campaigns:** Promote transparency and accountability through campaigns that educate citizens about their rights and encourage them to participate in governance processes.
- **Ethical Leadership Training:** Provide training programs on ethical decision-making and good governance practices for government officials at all levels.

Political Structural Issues

Empowering Local Governance

- **Decentralisation of Power and Resources:** Devolve more power and financial resources to local bodies like panchayats and municipalities to enhance their capacity for effective governance.
- **Capacity Building for Local Leaders:** Provide training and support to local government officials to improve their leadership skills and administrative capabilities.
- **Citizen Participation in Local Governance:** Encourage citizen participation in local decision-making through community forums and participatory budgeting mechanisms.

Addressing Electoral Reforms

- **State Funding of Elections:** Implement a system of public funding for elections to reduce dependence on private funding and curb corruption.
- **Criminalization of Politics:** Implement stricter laws and enforcement mechanisms to deter candidates with criminal records from contesting elections.
- **Electoral Campaign Finance Reforms:** Establish stricter campaign finance regulations to limit money's influence in elections and ensure a level playing field for candidates.

Addressing Institutional Challenges

- **Judicial Reforms:** Introduce reforms to expedite the judicial process, improve judicial infrastructure, and enhance access to justice for all citizens.
  - **Example:** Increasing judicial vacancies, utilising fast-track courts for specific offences, and leveraging technology for efficient case management can expedite justice delivery.
- **Strengthening Legal and Regulatory Institutions:** Invest in strengthening the capacity and independence of legal and regulatory institutions to effectively uphold the rule of law and hold public officials accountable.
  - **Example:** Community policing initiatives like Kerala's Neighborhood Watch program and investments in training and better investigative tools can improve law enforcement effectiveness.
- **Promoting Citizen Awareness:** Conduct awareness campaigns and educational programs to inform citizens about their rights and responsibilities, empowering them to participate actively in governance processes.

Achieving good governance in India requires a multi-pronged approach that addresses both organisational and political barriers. By implementing the suggested measures, India can move towards a more transparent, accountable, and efficient system of governance that serves the needs of all its citizens.

IGNITE YOUR MIND

What are the most significant barriers to achieving good governance in contemporary societies, and how do these obstacles intertwine with global challenges such as corruption, political instability, and the digital divide to influence policy effectiveness and public trust?

CONCLUSION

Governance is fundamental for ensuring accountability, transparency, responsiveness, rule of law, stability, equity, and inclusiveness, thereby enhancing the legitimacy of public and private sector activities and the overall well-being of societies.

Framework of Governance in India-I

2

INTRODUCTION

India follows a constitutional framework of governance that provides the structure for the functioning of its democratic system. This framework is based on the Constitution of India, which was adopted on 26th November, 1949 and came into force on 26th January, 1950. The Constitution of India establishes India as a **sovereign, socialist, secular, and democratic republic,** embodying the aspirations of its people for **justice, liberty, equality, and fraternity.**

It delineates the powers and functions of the government, defines the fundamental rights of citizens and sets out the principles of governance. This constitutional framework serves as the **bedrock of India's governance system,** ensuring the rule of law, protecting individual freedom and promoting inclusive development.

HISTORICAL BACKGROUND AND SIGNIFICANCE

Colonial Legacy

British colonial rule had a significant impact on Indian governance. The centralised nature of administration under the British Raj limited Indian representation in the organs of government as well as marginalised the voices of Indians who called for reform.

British Era Legislations

The Indian Council Acts, starting from the **Government of India Act 1858,** established legislative councils in India, initially with limited Indian representation. These councils, however, lacked real power as the British maintained tight control over legislative affairs.

- Subsequent acts, such as the **Indian Councils Act of 1892** and **1909** (also known as the **Morley-Minto Reforms**), expanded the franchise slightly but continued to favour British interests and perpetuate discriminatory practices.
- The **Government of India Act 1919,** also known as the **Montagu-Chelmsford Reforms,** introduced some limited provincial autonomy and increased Indian representation in legislative councils. However, significant power remained in British hands and the act failed to satisfy Indian aspirations for self-governance.
- The **Government of India Act 1935** was the most significant constitutional enactment during the British colonial period. It introduced provincial autonomy, allowing for elected governments in the provinces, but retained paramountcy at the centre, ensuring British control over key areas such as defence, foreign affairs and finance. The act also institutionalised communal electorates, further dividing Indian society along religious lines.

Impact of British Rule on Indian Governance

- **Centralised Administration:** British colonial rule introduced a centralised administrative system in India. Power was concentrated in the hands of the British authorities, limiting Indian representation and participation in governance structures.
- **Limited Indian Representation:** The legislative councils established by the British had limited Indian membership. For instance, in the Imperial Legislative Council established by the Indian Councils Act of 1861.
- **Discriminatory Laws:** The British enacted discriminatory and repressive laws to maintain control over the Indian population. The Rowlatt Act (1919), for instance, empowered the British government to arrest and detain individuals without trial, leading to widespread protests and the Jallianwala Bagh massacre.
- **Exploitative Economic Policies:** British economic policies exploited India's resources for the benefit of the British Empire. Industries were developed to serve British interests, leading to the impoverishment of Indian communities and the decline of traditional livelihoods. The British also promoted cash crops like indigo and cotton, displacing traditional agriculture and exacerbating food shortages. At the dawn of independence, India was a country with people living in poverty and literacy and who saw government as "mai-baap" resulting in continuation of this attitude in governance structures and actors in post independence inhibiting the realisation of full potential of administration to be catalyst for justice, equality and broader socio economic transformation.
- **Social Divisions:** Policies such as the divide and rule strategy and the institutionalisation of communal electorates deepened religious and social cleavages, weakening unity among Indians. The Morley Minto Reforms (1909) introduced separate electorates for Muslims and Hindus, increased elected representation and divided India along religious lines weakening the unity of the Indian populace.

- **Undermining Indigenous Institutions:** British rule undermined indigenous governance structures and institutions. Traditional systems of governance and administration were supplanted by British colonial institutions, eroding local autonomy and authority. For instance, the British abolished princely states and imposed direct colonial rule in many regions.
- **Legacy of Injustice:** The legacy of British colonial rule left a lasting impact on Indian governance. The injustices perpetrated during this period fueled resentment and laid the groundwork for the Indian freedom struggle.

Constituent Assembly Debates

The Constituent Assembly debates were marked by the presence of diverse ideological perspectives. These encompassed **Gandhian ideas of Gram Swaraj and Sarvodaya socialist ideals of equality and welfare, liberal democratic values,** as well as **capitalist and right-wing political ideologies.** The representatives from various ideological backgrounds, including influential figures like Dr. B.R. Ambedkar, Jawaharlal Nehru, Sardar Patel, and Rajendra Prasad engaged in extensive deliberations, and compromises to give shape to the Indian Constitution. Through dialogue and collaboration, they transcended ideological divides to build a shared vision for the future of independent India, laying the foundation for democratic governance.

PREAMBLE: KEY PRINCIPLES AND OBJECTIVES

The preamble of the Indian Constitution holds immense significance within the constitutional framework of governance in India and serves as a foundational document that articulates the core values, principles and aspirations of the nation.

Analysis of Preamble Text

The preamble commences with the phrase **"We, the people of India,"** highlighting the ultimate authority and sovereignty of the Indian citizens in shaping the governance structure.

- **Sovereign:** It signifies that India is free from any external control and can govern itself independently.
- **Socialist:** It implies the commitment to achieving social and economic equality and justice through the redistribution of resources and wealth.
- **Secular:** It means the state treats all religions impartially and does not endorse any particular religion as the state religion.
- **Democratic:** It signifies that power is vested in the hands of the people, who exercise it through elected representatives.
- **Republic:** It signifies that the head of the state is elected by the people, and there is no hereditary monarchy.
- **Justice:** It refers to the fair treatment of individuals and the equitable distribution of resources and opportunities in society.
- **Liberty:** It signifies the freedom of thought, expression, belief, faith, and worship, ensuring individual autonomy and freedom from arbitrary state interference.
- **Equality:** It implies the absence of discrimination based on caste, religion, gender, race or place of birth, ensuring equal rights and opportunities for all citizens.
- **Fraternity:** It refers to a spirit of brotherhood and unity among the people of India, ensuring dignity and mutual respect for all individuals and maintaining the unity and integrity of the nation.

FOUNDING PRINCIPLES OF THE CONSTITUTION

Fundamental Rights

Fundamental Rights, enshrined under Part III of the constitution from **Article 12 to Article 35** stand as key pillars safeguarding the liberty and dignity of its people (some fundamental rights) and citizens.

Implementation of Fundamental Rights in Governance

- **Right to Equality (Articles 14-18):** The reservation policy in India, particularly in educational institutions and government jobs, is aimed at promoting equality by providing opportunities to historically marginalised communities such as Scheduled Castes (SC), Scheduled Tribes (ST), and Other Backward Classes (OBC).
- **Right to Freedom (Articles 19-22):** The Right to Information (RTI) Act, 2005, empowers citizens to seek information from public authorities, ensuring transparency and accountability in governance. Right to Education act, 2009 aims to provide primary education as aright free of cost as it is integral to and essential for living a life with dignity and securing livelihood.
- **Right against Exploitation (Articles 23-24):** The Bonded Labour System (Abolition) Act, 1976, prohibits the practice of bonded labour, where individuals are forced to work in deplorable conditions to repay debts. Similarly Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 and Suppression of Immoral Traffic in Women and Girls Act (SITA) have been passed to ensure rights against exploitation.
- **Right to Freedom of Religion (Articles 25-28):** The government's intervention to protect the religious rights of minority communities, such as providing financial assistance for the preservation and maintenance of religious places of worship, ensures the freedom of religion guaranteed under the Constitution.
- **Cultural and Educational Rights (Articles 29-30):** The establishment of minority educational institutions, such as schools and colleges, with the freedom to administer their affairs, including the right to admit students of

their choice, ensures cultural and educational rights guaranteed under the Constitution. The National Commission for Minority Educational Institutions has been setup as governance structure to protect and realise this right.

- **Right to Constitutional Remedies (Article 32):** Public interest litigation (PIL) filed in the Supreme Court of India under Article 32 has been instrumental in addressing various issues related to governance, such as environmental protection, public health and social justice.

Limitations and Reasonable Restrictions

The Fundamental Rights provided under the Constitution are **not absolute** and are subject to reasonable restrictions to maintain public order, national security and the sovereignty of the state. For instance:

- **Legislative Limitations: Article 19(2) to 19(6)** enumerates specific grounds on which reasonable restrictions can be imposed on the exercise of certain fundamental rights, including freedom of speech and expression, assembly, association, movement and residence. These restrictions are deemed necessary for the maintenance of public order, decency, morality, and the security of the state.
- **Executive Limitations:** The executive branch also possesses powers to impose limitations on fundamental rights through executive actions, particularly during times of emergency. The Constitution envisages three types of emergencies – **National emergency, State emergency (President's Rule) and Financial emergency** – during which certain fundamental rights can be suspended or restricted.
- **Reasonable Restrictions:** The reasonable restrictions provide specific grounds for curtailing fundamental rights. These restrictions are justified on various grounds such as sovereignty and integrity of India, security of the state, public order, friendly relations with foreign states, decency, morality, contempt of court, defamation, and incitement to offence. For instance,

Freedom of Speech and Expression: In instances of public unrest or potential threats to public order, authorities may impose **Section 144 of the Criminal Procedure Code (CrPC)** to prohibit the assembly of four or more individuals. This restriction aims to prevent violence and maintain public tranquillity.

Right to Privacy: While the right to privacy is not explicitly enumerated in the Constitution, the Supreme Court has recognized it as a fundamental right implicit in Article 21, which guarantees the right to life and personal liberty. However, the government has imposed restrictions on privacy through laws such as the Aadhaar Act, which collects biometric and demographic data for various government schemes.

Directive Principles of State Policy (DPSP)

The **DPSP,** enshrined in **Part IV (Articles 36-51)** of the Indian Constitution, delineates socio-economic goals for the state to strive to promote the welfare of the people with a focus on welfare, justice, and equality.

Nature and Philosophy of DPSPs

- **Aspirational in Nature:** DPSPs set forth ideals and objectives the state should endeavour to achieve, promoting social welfare and justice.
- **Gradual Implementation:** Recognizing resource constraints, DPSPs are implemented progressively, taking into account feasibility and prevailing conditions.
- **Not Enforceable Through Courts:** Unlike Fundamental Rights, DPSPs cannot be directly enforced through courts. They serve as guidelines for the government, outlining its socio-economic goals.
- **Moral Force & Judicial Review:** Though not justiciable, DPSPs hold high moral force and can be used by judiciary to assess if government actions align with its overall duty to strive towards them.

Implementation of DPSPs in Governance

- **Social Welfare and Justice (Articles 46, 39(a), 39A):**
  - **Reservation Policies:** The implementation of **reservation policies in education and employment** of the Scheduled Castes (SC), Scheduled Tribes (ST), and Other Backward Classes (OBCs).
  - **Welfare Schemes:** The **Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA),** guarantees 100 days of wage employment in a financial year to every rural household whose adult members volunteer to do unskilled manual work.
  - **Special Courts for Vulnerable Groups:** Special courts or tribunals have been established to expedite justice for vulnerable groups. For instance, the **Protection of Children from Sexual Offences (POCSO) Act** aims to provide speedy justice for children who are victims of sexual abuse.
- **Economic Justice (Articles 39(c), 43B):**
  - **Progressive Taxation:** India's progressive taxation system levies higher taxes on individuals with higher incomes, aiming to redistribute wealth and reduce economic disparities.
  - **Promotion of Cooperatives:** The **National Cooperative Development Corporation (NCDC)** provides financial assistance to cooperatives, facilitating their establishment and growth.
- **Political justice (Articles 40, 44):**
  - **Decentralised Governance:** The 73rd and 74th Amendments to the Constitution led to the establishment of Panchayati Raj Institutions (PRIs) and Urban Local Bodies (ULBs), ensuring decentralised governance and grassroots participation in decision-making.

- **Uniform Civil Code:** The Uttarakhand assembly has recently passed the legislation on the Uniform Civil Code in the state. The Union government too has conducted various studies to determine its feasibility at the national level.

❑ **Environmental Policy (Article 48A):**
- **Protection of environment and wildlife:** The **Wildlife Protection Act, 1972** aims to protect and improve the environment and safeguard forests and wildlife,

❑ **International Relations (Article 51):**
- **Promoting international peace and security:** The Indian government takes part in peace-keeping missions under the United Nations, and provides humanitarian aid to conflict-affected regions.

IGNITE YOUR MIND

Considering the diverse aspects of the implementation of Directive Principles of State Policy (DPSPs) in governance, particularly focusing on social welfare and justice, economic justice, political justice, and environmental policy, how do you evaluate the effectiveness of these policies in achieving their intended outcomes?

LANDMARK CASES AND THEIR IMPACT ON GOVERNANCE

Following is a list of some key landmark cases that have shaped the constitutional framework of governance in India:

Kesavananda Bharati Case (1973)

❑ In the Kesavananda Bharati Case, a petition challenged the Kerala government's land reform laws that sought to curtail the Fundamental Rights. The question thereby arose whether the parliament has unfettered power to amend the constitution.

❑ The Supreme Court's (SC) ruling in the case led to the creation of a **'basic structure' doctrine** limiting parliament's power to amend the Constitution, thereby upholding the supremacy of the Constitution.

❑ The SC thereby checked arbitrary powers of the legislature, protected democratic principles and fundamental rights, while asserting the Judiciary's power of Judicial review.

Indira Gandhi v Raj Narain Case (1975)

❑ The genesis of this case is in an appeal to the Supreme Court which sought to challenge the Allahabad High Court's (HC) verdict that held Prime Minister Indira Gandhi's election void and barred her from office for six years over corrupt electoral practices. The Constitutionality of the 39th Constitutional (Amendment) Act, 1975 which held that the election of the Prime Minister, the President, the Vice President and the Speaker of the Lok Sabha was no longer subject to judicial review was also challenged in the SC.

❑ On the election case itself, the majority upheld the High Court's findings of electoral malpractices, but due to the 39th Amendment, dismissed the case. However, the Court declared the 39th Amendment partially unconstitutional, upholding the principle of judicial review as a basic structure of the Constitution.

Maneka Gandhi Case (1978)

❑ In the Maneka Gandhi case, the SC greatly expanded the scope and interpretation of **Article 21 (Right to Life and Personal Liberty),** by also including in its ambit the **'Right to Travel Abroad'.**

❑ The SC held that the Right to Life is not merely confined to animal existence or survival but it includes within its ambit the right to live with human dignity and all those aspects of life which go to make a man's life meaningful, complete and worth living.

❑ It was held that 'procedure established by law' within the meaning of Article 21 must be 'right and just and fair' and 'not arbitrary, fanciful or oppressive'. This widened the scope of judicial review on legislature and has brought Indian position closer to U.S.A then U.K on this matter.

Minerva Mills Case (1980)

❑ The Supreme Court in its 1980 verdict on the Minerva Mills case asserted that Parliament's power to amend the Constitution under Article 368 is in itself limited by the Constitution. Therefore, Parliament cannot use this defined amendatory power to expand its powers indefinitely or to alter the Constitution's basic structure.

Indra Sawhney Case (1992)

❑ Indra Sawhney & Others v. Union of India (1992) judgement laid down the limits of the state's powers. While it upheld the ceiling of 50 per cent quota, emphasising on the concept of 'social backwardness', it also prescribed 11 indicators to ascertain backwardness.

S.R. Bommai Case (1994)

❑ In 1993, President's Rule was imposed on several states governed by non-congress parties, raising concerns about its misuse. S.R. Bommai, the dismissed Chief Minister of Karnataka, challenged the Presidential proclamation in the Supreme Court. The case focused on whether President's Rule was being used arbitrarily to dismiss elected state governments for political reasons, undermining federalism and democracy.

❑ The SC's landmark judgement in the case curbed the **arbitrary use of Article 356** by laying down strict guidelines for imposing President's Rule. The Court also affirmed its power to review Presidential proclamations,

ensuring judicial oversight and preventing misuse of the provision. The Bommai case therefore strengthened India's federal structure by protecting states from arbitrary central intervention.

Vishakha v State of Rajasthan (1997)

- In this case, the SC laid down elaborate guidelines to deal with the menace of sexual harassment against women at workplaces. The Court explicitly defined sexual harassment as encompassing unwanted physical contact, verbal abuse or taunting of a sexual nature, displaying pornographic material against her will, or demanding sexual favours from a woman employee.

IR Coelho v State of Tamil Nadu (2007)

- The Supreme Court ruled that any constitutional amendment found violating fundamental rights and the basic structure could be struck down, extending the reach of judicial review even to the 9th Schedule.

Justice K.S. Puttaswamy v Union of India (2017)

- In the Puttaswamy Judgement, the Supreme Court upheld the validity of Aadhaar, India's biometric identity programme, while also imposing restrictions on its use to **protect privacy rights** and prevent potential misuse.
- The judgement upheld privacy as an intrinsic part of the fundamental right to life and personal liberty under Article 21. It asserted citizens' rights in the digital age amid growing data collection by state.

These landmark judgments have significantly influenced governance in India by upholding constitutional principles, protecting fundamental rights, and promoting justice, equality, and the rule of law.

STRUCTURE OF GOVERNMENT

Executive

The executive branch of government in India plays a key role in the country's constitutional framework, wielding significant powers and responsibilities across various domains. The Union executive consists of the President, the Vice- President, the Prime Minister, the Council of Ministers and the Attorney General of India. It is responsible for the execution and administration of laws and policies formulated by the legislature.

Checks and Balances on Executive Power

- **Legislative Oversight:**
  - **Parliamentary Scrutiny:** MPs are empowered to inquire about policies and actions of ministers during parliamentary sessions by engaging in debates over significant legislative proposals and policies.
  - Additionally, they have the authority to scrutinise the decisions made by the executive and ensure its accountability.
  - **Parliamentary Committees:** Committees such as the Public Accounts Committee (PAC) and the Estimates Committee examine executive expenditures and performance. There are department related standing committees for scrutinising bills proposed.
- **Judicial Review:**
  - **Judicial Review of Executive Actions:** The judiciary has the authority to review executive actions and ensure their conformity with constitutional principles and fundamental rights. For example, the Supreme Court's judgement in the **Kesavananda Bharati case** upheld the **doctrine of basic structure,** limiting the executive's power to amend fundamental aspects of the Constitution.
  - **Writ Jurisdiction and Public Interest Litigation (PIL):** Writs such as habeas corpus, mandamus, and certiorari enable citizens to challenge executive actions that violate their fundamental rights.
- **Constitutional Provisions Limiting Executive Authority:**
  - **Fundamental Rights:** Constitutional provisions guarantee fundamental rights to citizens, which can be enforced through judicial review.
    - **For example,** the Supreme Court's ruling in **Maneka Gandhi v. Union of India** expanded the scope of the right to life and personal liberty, restraining executive actions that infringe upon individual freedoms.
  - **Doctrine of Separation of Powers:** The Constitution delineates the powers and functions of the executive, legislature, and judiciary, ensuring a system of checks and balances. It prevents the concentration of authority in any one branch of government, safeguarding against potential abuses of power by the executive.

Challenges and Controversies

- **Executive Overreach and Abuse of Power:**
  - **Instances of Executive Overreach:** The executive may exceed its authority or misuse powers for political or personal gain, leading to allegations of authoritarianism or corruption. For example, controversies surrounding the imposition of President's Rule in states or executive orders bypassing legislative scrutiny etc.
- **Lack of Transparency and Accountability:**
  - **Transparency Deficits:** Limited transparency in decision-making processes and lack of accountability mechanisms can undermine public trust in the executive. For example, opaque decision-making in defence deals, allocation of natural resources, etc.
- **Political Interference in Administrative Matters:**
  - **Politicisation of Bureaucracy:** Political interference in administrative matters may compromise the impartiality and efficiency of the bureaucracy.

For example, allegations of political pressure on administrative officials to favour certain individuals or parties in regulatory decisions, appointments, or law enforcement activities, etc.

- **Efficacy of Legislative Oversight:** In Prime ministerial form of governance setup Prime minister and chief ministers through their party controls Lok Sabha and Legislative assemblies respectively reducing efficacy of legislatures oversight on executive.

Parliament

Parliament serves as the supreme legislative body in India which is responsible for making laws, ensuring government accountability, and overseeing executive actions. Its framework encompasses legislative functions as well as oversight mechanisms.

Functions of Parliament

- **Law-making Process:** Parliament enacts laws through a systematic legislative process involving both Houses: Lok Sabha (House of the People) and Rajya Sabha (Council of States).
- **Budgetary Approval:** Parliament approves the annual budget and financial proposals presented by the government. The Union Budget is presented by the Finance Minister and scrutinised by Parliament to allocate funds for various government programs and expenditures.
- **Executive Oversight:** Parliament exercises oversight over the executive branch, scrutinising government policies, actions, and expenditures. For example, the Public Accounts Committee (PAC) reviews government spending and holds officials accountable for financial irregularities.
- **Question Hour and Debates:** Members of Parliament (MPs) use platforms like Question Hour and parliamentary debates to raise issues, seek clarifications, and hold the government accountable.

Judiciary

The Judiciary in India, comprising the Supreme Court, High Courts, and Subordinate courts plays a key role in interpreting and upholding the Constitution. As the guardian of the Constitution, the Judiciary ensures the supremacy of constitutional principles, protects fundamental rights, and maintains the rule of law through the following:

- **Interpretation and Application of Laws:** The Judiciary interprets laws and legal provisions to resolve disputes and ensure uniformity in their application. Through judicial pronouncements, the Judiciary clarifies legal ambiguities, fills gaps in legislation, and adapts laws to evolving societal needs.
- **Resolution of Civil and Criminal Cases:** Courts adjudicate civil and criminal cases, ensuring justice for litigants and upholding the principles of equity and fairness. Therefore, adherence to procedural safeguards and Principle of Natural Justice ensures a fair trial and protects individual rights.
- **Safeguarding Constitutional Rights and Liberties:** Through writ jurisdiction and Public Interest Litigation (PIL), the Higher Judiciary ensures the enforcement of fundamental rights and liberties.
- **Separation of Powers and Judicial Independence:** The separation of powers doctrine safeguards the autonomy of the Judiciary, allowing it to act as a check on the executive and legislative branches.
- **Legal Aid and Assistance:** Legal aid initiatives and empowerment programmes enhance legal awareness, education and empowerment, enabling citizens to assert their rights and seek redressal for grievances.

Tribunals

Tribunals are quasi-judicial bodies established by the acts of Parliament or State legislature to adjudicate disputes related to administration of taxes, labour regulations, environment law, competition law etc. Even though the Tribunals did not find mention in the original constitution, the **42nd Amendment Act of 1976** added a new **Part XIV-A** to the constitution titled 'Tribunals'. This part consists of only two articles- **Articles 323 A and Article 323 B.**

The Central Administrative Tribunal

- The CAT is a multi-member body which consists of a chairman and members. CAT has a sanctioned strength of 70 Members including Chairman (35 Judicial and 35 Administrative). As per the Tribunal Rules, 2021, Chairman can be either Judicial Member or Administrative Member. At present, Chairman, CAT is from the Judicial Stream.
- Both Chairman as well as members are appointed by the President and are drawn from judicial and administrative streams.
- The CAT is guided by the principles of natural justice and is not bound by the procedure laid down in the Civil Procedure Code of 1908.
- An aggrieved public servant is allowed to directly approach the Supreme Court against an order of CAT instead of first going to the concerned High Court.

- **Administrative Tribunals:**
  - **Article 323A:** This article empowers the Parliament to establish Administrative Tribunals for adjudicating service matters of public servants. It emphasises speedy and inexpensive justice for government employees.
  - The Parliament has therefore passed the **Administrative Tribunals Act (1985)** which authorises the Central government to establish one Central Administrative Tribunal and State Administrative tribunals.

- **Other Tribunals:**
  - **Article 323B:** This article permits both Parliament and state legislatures to establish tribunals for other matters such as Taxation, Foreign exchange, Import-Export, etc. Its purpose is to handle specialised disputes outside the traditional court system.

Following is a list of the various types of tribunals in the country:

- **Administrative Tribunals (1985):** To redress staff grievances related to government employment
- **Customs & Excise Tribunal (1983):** To hear disputes relating to valuation and customs duties
- **Income Tax Appellate Tribunal (1941):** Adjudicates income tax cases
- **National Green Tribunal (2010):** Addresses environmental protection cases
- **National Company Law Tribunal:** Deals with corporate litigation

In the Chandra Kumar Case (1997), the Supreme Court nullified provisions under these articles that excluded the jurisdiction of High Courts and Supreme Court as being unconstitutional. Therefore, judicial remedy is now available even against the orders of these tribunals.

IGNITE YOUR MIND

Reflecting on the establishment of tribunals in India and their evolution, especially in light of the Chandra Kumar Case, how do you assess the impact of tribunals on the traditional judicial system?

CENTRAL ADMINISTRATION

Central Secretariat

The Central Secretariat serves as the collective hub for all ministers and departments within the Central Government and facilitates administrative functions and governance. Ministries typically encompass two to four departments, although exceptions exist, such as the Ministry of External Affairs, which operates without departments, and the Department of Atomic Energy, which stands independently. Politically, ministries and departments are led by ministers, while administrative oversight falls to Secretaries.

Article 77 of the Indian Constitution empowers the President to establish rules for the efficient conduct of Central Government business and the distribution of responsibilities among ministers. This framework forms the basis of the portfolio system, wherein ministers are designated to oversee specific ministries or departments and issue directives on behalf of the President. Consequently, the concept of ministries and departments originates from this portfolio system.

The ministries and departments delineated in the Allocation of Business Rules collectively constitute the Central Secretariat. Currently, the governance of Central Government ministries and departments is regulated by the **Government of India (Allocation of Business) Rules, 1961.**

Historical Background

The establishment and evolution of the Central Secretariat in modern India can be traced back to the colonial era under British rule. The following key developments highlight its historical perspective:

- In **1843,** during the tenure of the Governor-General of India, the **Secretariat of the Government of India** was segregated from that of the government of Bengal. This led to the creation of four distinct departments within the Central Secretariat, namely home, finance, military and foreign.
- The **introduction of the portfolio system in 1859 by Lord Canning** marked a significant milestone. Under this system, a member of the Governor-General's Council was designated to oversee one or more departments of the Central Secretariat and was empowered to issue directives on behalf of the Council.
- Lord Curzon introduced the **tenure system for secretariat staffing in 1905,** bringing about organisational reforms.
- Also in **1905,** the establishment of the **Railway Board,** as mandated by a resolution of the Government of India, led to the transfer of railway administration from the Public Works Department to the newly formed board.
- Following India's independence in 1947, the departments of the Government of India were redesignated as 'ministries.' At that time, there were a total of 18 ministries operating within the Central Secretariat.

Structure of a Ministry

The structure of a typical Central Government Ministry follows a three-tiered framework comprising:

- **Political Leadership:**
  - At the helm is a Cabinet minister, serving as the political head of the ministry.
  - This Cabinet minister is supported by ministers of state and deputy ministers.
  - Occasionally, a minister of state may also serve as the political head of a ministry/department with independent charge.
- **Secretariat Organisation:**
  - The secretariat organisation is overseen by a Secretary, typically a career civil servant.
  - Assisting the Secretary are Joint-Secretaries, Deputy Secretaries, Under Secretaries, and the office staff.
  - This structure encompasses two distinct components: the officers responsible for directing and controlling activities, and the office staff responsible for executive and clerical tasks.

- **Executive Organisation:** This segment is managed by the head of the department, who holds various designations depending on the specific ministry or department.

The Split System

The Secretariat system in India operates on the principle of separating policy-making from policy execution, known as the split system. According to this model, the Secretariat focuses solely on policy-making and refrains from involvement in policy execution, which is delegated to external executive agencies.

- **Advantages of the split system include:**
  - **Strategic Planning:** Secretariat officials, acting as policy makers, can plan with consideration for national interests, objectives, and needs without the burden of day-to-day administrative tasks.
  - **Objective Examination:** The Secretary, serving the government as a whole rather than just one minister, can objectively evaluate proposals from executive agencies in line with broader governmental objectives.
  - **Operational Freedom:** Executive agencies are granted autonomy in policy implementation as the Secretariat, under this system, avoids interference in execution tasks, promoting specialisation, delegation, and preventing over-centralization.
  - **Efficiency:** By dividing responsibilities between policy-making and implementation, the Secretariat remains smaller and more manageable in size.
  - **Objective Evaluation:** Secretariat officials can objectively assess programme implementation in the field, a task not typically assigned to executive agencies.

In contrast to the British Whitehall model, where ministries handle both policy-making and execution, the Indian Secretariat model follows a distinct approach. While the British system integrates both functions within ministries, the Indian system maintains separate hierarchies for policy-making in the Secretariat and execution in executive departments. This distinction sets the Indian model apart, creating parallel structures for policy formulation and implementation.

The Tenure System

According to S.R. Maheshwari, the higher positions within the Secretariat are typically filled by officers from various states or certain Central services for a specific duration. After completing their tenure, these officers are expected to return to their respective states or services. This arrangement is commonly referred to as the tenure system. Under this staffing practice, each official assigned to the Central Secretariat serves for a fixed period, varying across different grades within the Secretariat hierarchy:

- **Secretary and Joint Secretary:** 5 years
- **Deputy Secretary:** 4 years
- **Under Secretary:** 3 years

The **tenure system was introduced in India by Lord Curzon,** then Viceroy of India who famously remarked that "India may be governed from Simla or Calcutta; but is administered from the plains." This system stemmed from Lord Curzon's belief and is often attributed to him as the "father of the tenure system."

Secretariat Officials

The current hierarchy of Secretariat officials is structured as follows:

- Secretary
- Additional Secretary
- Joint Secretary
- Director
- Deputy Secretary
- Under Secretary

The first three grades constitute the 'top management,' while the latter three grades form the 'middle management.' Each officer operates on the principle of a 'filter,' wherein they handle tasks at their respective levels and escalate significant matters to higher authorities. Additionally, all officials within these grades carry out their duties with the overarching interest of the Government of India in mind. Consequently, a Secretary is titled as the Secretary to the Government of India, emphasising their role beyond a specific minister or ministry.

Roles of Secretariat Officials

- **Secretary:**
  - Serves as the administrative head of the Ministry/ Department with complete responsibility.
  - Acts as the chief advisor to the minister on policy and administrative matters.
  - Represents the ministry/department before the Parliament's Public Accounts Committee.
- **Additional/Joint Secretary:**
  - An Additional Secretary oversees either a department or a departmental wing, while a Joint Secretary typically manages a departmental wing.
  - While an Additional Secretary holds a higher rank and receives higher pay than a Joint Secretary, their functions are similar unless the Additional Secretary heads a department.
- **Director/Deputy Secretary:**
  - The position of Director was established in 1960 and shares responsibilities similar to those of a Deputy Secretary. Directors are often specialist with expertise in domains while secretaries are often generalist.
  - Although their functions are comparable, a Director holds a higher rank and receives higher pay than a Deputy Secretary.

- **Deputy Secretary:**
  - Acts on behalf of the Secretary and supervises a division within the department.
  - Primarily handles cases independently and seeks guidance from higher authorities only for significant matters.
- **Under Secretary:**
  - Oversees a branch within the department and is commonly referred to as a 'Branch Officer.'
  - Initiates actions on incoming communications, resolves minor cases independently, and escalates important matters to the Deputy Secretary.
- **Officer on Special Duty (OSD):**
  - An OSD is typically appointed from existing officials to address urgent tasks requiring full attention.
  - This role is temporary, created to handle specific exigencies, and can vary in status from Secretary to Under Secretary.
  - In some instances, a Section Officer may also serve as an OSD.
  - The concept of OSDs in India has its roots in British governance and offers advantages such as improved coordination and expedited execution of decisions and tasks.

Executive Organisations below Secretariat

Within a ministry of the Government of India, there exist executive bodies, alongside the political leadership and the Secretariat overseen by a Secretary. These executive bodies are responsible for executing policies devised by the Secretariat. Positioned beneath and subordinate to the Secretariat, these bodies are led by an executive figure (department head) known by various titles such as Director, Director-General, Controller, Chief-Controller, Inspector-General, Commissioner, Registrar-General, and others.

Functions

The two common types of executive agencies are Attached Offices and Subordinate Offices. According to the manual of office procedure, Attached Offices are described as entities responsible for decentralised executive direction in implementing policies set forth by the relevant ministry. They also serve as repositories of technical knowledge, offering advice to the ministry on technical matters within their purview. On the other hand, Subordinate Offices typically operate as field establishments or agencies tasked with executing government decisions in detail. They may function under the supervision of an Attached Office or, in cases of lesser executive direction, directly under a ministry.

Pattern of Relationship between Secretariat and Executive Agencies

Establishing effective relationships between the secretariat and executive agencies is crucial for the successful formulation and execution of policies and programs. Various patterns of relationship arrangements have been devised to facilitate cooperation between these entities. Here are six principal types of relationship patterns:

- **Complete Separation Pattern:** This pattern involves a clear distinction and separation between the secretariat and its executive agencies. Each entity maintains its own offices and files. This model is based on the policy-administration separation, staff-line dichotomy, and generalist-specialist dichotomy.
- **Complete Merger Pattern:** In this pattern, the secretariat and its executive agencies are fully integrated, resulting in a cent-percent merger. However, this model is typically utilised only in specific cases.
- **Link Officer Pattern:** Under this arrangement, a Senior Secretariat Officer is appointed concurrently as the head of the executive agency. This individual assumes a dual role, overseeing both policy formulation and implementation.
- **Ex-Officio Secretariat Status Pattern:** In this pattern, the head of the executive agency is granted an ex-officio secretariat status, empowering them to make independent decisions on certain matters. This role involves closer involvement in policy formulation.
- **Common Office Pattern:** Here, the secretariat and the executive agency share a common office space, files, and file bureau. This setup serves both secretariat and agency officials and was recommended by the Estimates Committee and the Second Pay Commission.
- **Common File Pattern:** In this system, the secretariat and the executive agency maintain separate offices but share common files and a single file bureau. This pattern was recommended by the Rowlands Committee (Bengal Administration Enquiry Committee) in 1944–45.

Ministries and Departments

Allocation of Business among Ministries

The Government of India (Allocation of Business) Rules, 1961, authorised by **Article 77** of the Constitution, delineates the distribution of governmental responsibilities. Under these rules, Ministries/Departments are established by the President upon the Prime Minister's counsel. The conduct of government affairs occurs within these entities, aligning with the subjects outlined in the rules. Ministers are designated to each Ministry by the President, guided by the Prime Minister's advice. Generally, a Secretary oversees each department, aiding the Minister in policy formulation and general administration.

The Cabinet Secretariat oversees the enforcement of the Government of India (Transaction of Business) Rules, 1961, and the Government of India (Allocation of Business) Rules, 1961.

The First Schedule of the Government of India (Allocation of Business) Rules, 1961, catalogues the Ministries,

Departments, Secretariats, and Offices (collectively termed 'Departments'), while the Second Schedule delineates the allocation of subjects among these Departments.

Cabinet Secretariat

India's Constitutional Framework establishes a Parliamentary system of governance with the Cabinet serving as the primary executive body. Led by the Prime Minister, the Cabinet assumes responsibility for the entire administration of the Government of India, overseeing central governance. To aid in this endeavour, the Cabinet is supported by the Cabinet Secretariat.

Functioning as a support agency to the Union Cabinet, the Cabinet Secretariat operates under the guidance and leadership of the Prime Minister. It plays a pivotal role in coordinating policy-making activities at the highest echelons of the Central Government.

Designated as a department of the Government of India under the Allocation of Business Rules, 1961, the Cabinet Secretariat is politically overseen by the Prime Minister and administratively managed by the Cabinet Secretary.

On the attainment of Independence in 1947 a popular cabinet headed by the Prime Minister replaced the Executive Council of Viceroy. The Executive Council Secretariat formally became the Cabinet Secretariat. Consequently the Secretary of the Executive Council of the Viceroy was renamed as the Cabinet Secretary.

Organisation

The Cabinet Secretariat comprises three distinct wings: the **Civil Wing, Military Wing, and Intelligence Wing.** The Civil Wing serves as the primary division, offering support, counsel, and assistance to the Union Cabinet. The Military Wing provides administrative support to bodies such as the Defence Committee of the Cabinet, the Military Affairs Committee, and the National Defence Council. Meanwhile, the Intelligence Wing handles affairs concerning the Joint Intelligence Committee of the Union Cabinet.

In addition to the core secretariat, the Cabinet Secretariat includes several affiliated organisations:

- Research and Analysis Wing (RAW)
- Director General of Security
- Special Protection Group
- Joint Intelligence Committee
- Directorate of Public Grievances

Established in **1997,** the **National Authority Chemical Weapons Convention** operates under the administrative jurisdiction of the Cabinet Secretariat. Similarly, the **Directorate of Public Grievances, formed in 1988,** operates as a constituent of the Cabinet Secretariat and is overseen by a Director holding the rank of a Secretary to the Government of India.

Supporting the Cabinet Secretary are numerous other secretaries, spanning various hierarchical levels from Secretary to Under Secretary. Additionally, the Cabinet Secretariat employs subject-specific advisors to assist the Prime Minister as needed.

Functions

The Cabinet Secretariat undertakes several key functions, including:

- **Agenda Preparation:** It prepares the agenda for Cabinet meetings and furnishes the requisite information and materials for discussions.
- **Record Keeping:** The Secretariat maintains records of Cabinet discussions and decisions, disseminating them to relevant ministries and departments.
- **Secretarial Assistance:** It offers secretarial support to Cabinet Committees as required.
- **Information Dissemination:** The Secretariat keeps the President, Vice-President, and Central Ministries apprised of the Central Government's principal activities.
- **Business Allocation:** It finalises the government's rules of business and allocates responsibilities among Union Government Ministries and departments, subject to the President's endorsement.
- **Coordination:** Serving as the primary coordinating body within the Central Government, it resolves disputes between ministries.
- **Monitoring:** The Secretariat oversees the execution of Cabinet decisions by relevant ministries, departments, and executive bodies.
- **Ministerial Affairs:** It manages ministerial appointments, resignations, portfolio assignments, and the organisation or restructuring of ministries.

Role

The Cabinet Secretariat operates under the direct supervision of the Prime Minister, with its administrative leader being the **Cabinet Secretary,** who also serves as the **ex-officio Chairman of the Civil Services Board.**

Listed in the First Schedule of the Government of India (Allocation of Business) Rules, 1961, the Cabinet Secretariat's designated responsibilities include:

- Provision of secretarial support to the Cabinet and its Committees.
- Oversight of the Rules of Business.

Administration of **the Government of India (Transaction of Business) Rules, 1961,** and **the Government of India (Allocation of Business) Rules, 1961,** to ensure seamless transaction of business within Government Ministries/ Departments by upholding these regulations.

IGNITE YOUR MIND

Considering the multifaceted roles and responsibilities of the Cabinet Secretariat in facilitating the smooth operation of government machinery, how do you evaluate its significance in ensuring the effective implementation of government policies?

Secretarial support provided by the Cabinet Secretariat to the Cabinet and its Committees encompasses:

- Convening Cabinet meetings as per the Prime Minister's directives.
- Preparation and dissemination of meeting agendas.
- Circulation of relevant documents related to agenda items.
- Compilation of meeting minutes for approval by the Prime Minister.
- Oversight of the implementation of Cabinet decisions, with the Cabinet Secretariat serving as the custodian of Cabinet meeting documents.

Inter-Ministerial coordination:

With ever expanding development administration in a expanding economy with large budgets on the one side and desirability and need to fill gap between policy formulation and implementation on the other in a vibrant democracy within rapidly evolving globalised world requires coordination for the following reasons:

- Addressing challenges.
- Resolving differences.
- Mitigating delays.
- Harmonising administrative actions.
- Aligning policies.

While each Ministry primarily oversees the execution of Government policies, plans, and programs, instances requiring inter-ministerial collaboration often prompt Ministries to seek assistance from the Cabinet Secretariat. Inter-ministerial issues are deliberated upon in Committees of Secretaries (COS), chaired by the Cabinet Secretary, aiming to overcome obstacles and promote cohesive inter-ministerial actions.

Additionally, the Cabinet Secretariat fulfils various other functions, including:

- Monitoring
- Coordination
- Propelling new policy endeavours

Given the Cabinet Secretary's dual role as head of the Civil Services and departments find the Cabinet Secretariat instrumental in promoting inter-ministerial coordination, often keeping the Cabinet Secretary abreast of developments in adherence to Transaction of Business Rules.

Cabinet Secretary

Established in India with **N.R. Pillai** as its inaugural appointee, the Cabinet Secretary heads the Cabinet Secretariat, succeeding the Secretary to the Viceroy's Executive Council.

Occupying the highest position among civil servants in the official warrant of precedence, the Cabinet Secretary holds the most senior rank in India, a status recommended by the Gopalaswamy Ayyangar Report on Reorganisation of the Machinery of Government (1949). However, the tenure of office for the Cabinet Secretary is not fixed.

Key points regarding the role, powers, and functions of the Cabinet Secretary include:

- Serving as the **principal coordinator of Central administration,** although lacking supervisory authority over ministries/departments.
- **Chairing** the **Senior Selection Board** responsible for appointing officers to the post of Joint Secretary in the Central Secretariat.
- Directly **selecting officers for positions of Secretary and Additional Secretary** within the Central Secretariat.
- **Chairing** the **Committee of Secretaries on Administration** tasked with resolving inter-ministerial disputes.
- Presiding over the **annual Conference of Chief Secretaries.**
- Acting as the primary advisor to the Prime Minister on administrative and policy matters.
- Requiring ministerial sanction before initiating prosecution against newspaper publishers or editors in defamation cases.
- Assuming a multifaceted role as necessary at the discretion of the Prime Minister, serving as an advisor and conscience-keeper to civil servants.
- Serving as a **vital link between the Prime Minister's Office (PMO), administrative entities, and the political system.**

S.S. Khera, a former Cabinet Secretary, noted in his book, "The Central Executive", that, "The Cabinet Secretary provides the eyes and ears for the Prime Minister to keep in touch with the process of official business in the Central Government. But he is in no sense a watchdog or an invigilator on behalf of the Prime Minister... A Cabinet Secretary is a very general staff function, not a line function in relation to the ministries. His business is to help, not to oversee."

The Prime Minister's Office (PMO)

The Prime Minister's Office (PMO) serves as a **vital support agency to the Prime Minister,** providing secretarial assistance and crucial advice in the decision-making process at the highest levels of the Indian government. Established in 1947, it replaced the Secretary to the Viceroy and evolved into a significant institution within the politico-administrative system.

Composition

- PMO is politically headed by the Prime Minister and administratively by the Principal Secretary to PM.

- It comprises additional secretaries, joint secretaries, directors, deputy secretaries, and other officers, drawn from the civil service, with varying tenures.

Functions

- Assisting the Prime Minister in overall government responsibilities, including liaison with central and state governments.
- Supporting the Prime Minister's roles as chairman of the Planning Commission and the National Development Council.
- Handling public relations, managing official correspondence, and providing assistance on various domestic and foreign matters.
- Acting as the 'think-tank' of the Prime Minister, dealing with residual subjects not allocated to specific ministries.

Changing Role

- The PMO's role has evolved over time, growing in size and influence under different Prime Ministers.
- Initially small during Jawaharlal Nehru's tenure, it expanded and gained prominence during subsequent administrations, notably under Lal Bahadur Shastri and Indira Gandhi.
- Despite attempts by some governments to reduce its dominance, the PMO's power and size continued to increase, resulting in duplication of ministerial functions and undermining the authority of traditional bureaucratic structures.
- Criticisms of the PMO include its perceived disproportionate power and its overshadowing of the Cabinet Secretariat, leading to terms like 'Super Cabinet' or 'Super Ministry' being used to describe its influence.

Public Enterprises

Public enterprises refer to entities owned wholly or partially by the Central Government, a state government, or jointly by both, engaging in industrial, agricultural, commercial, or financial activities with self-management capabilities. In India, these enterprises are categorised into four primary patterns: Departmental Undertakings, Public Corporations, Government Companies, and Holding Companies. Additionally, there exist various other forms such as Commissions, Control Boards, Cooperative Societies, Public Trusts, and Commodity Boards.

IGNITE YOUR MIND

Reflecting on the evolution and current role of the Prime Minister's Office (PMO) in India, how do you perceive its influence on the governance and administrative structure of the country? Consider its impact on the balance of power between the PMO and traditional ministerial functions

Departmental Undertakings

Departmental Undertaking represents the traditional and oldest form of public enterprise. Major examples include the Railways, Posts and Telegraphs, All-India Radio, Doordarshan, Defense Production Units, Atomic Power Projects, and Government Printing Press. This pattern is typically employed when the primary goal of the enterprise is Strategic and Public Interest, which requires larger oversight.

- **Key Characteristics:**
  - Entire investment is government-funded, baring private investment.
  - Financed through annual treasury appropriations, with revenues largely directed back to the treasury.
  - Subject to budgetary, accounting, and audit controls akin to other government departments.
  - Staffed by civil servants, recruited and governed under standard civil service regulations.
  - Usually structured as a subdivision of a government department, under direct departmental control.
  - Possesses state sovereign immunity, requiring government consent for lawsuits.
  - Accountable to Parliament through the relevant minister.
  - Establishment via executive resolution, without requiring prior Parliament approval.
- **Advantages:**
  - Ensures maximum ministerial control, enhancing political accountability to Parliament.
  - Facilitates clear integration within the governmental framework.
  - Enhances financial control, preventing misappropriation of public funds.
  - Well-established organisational structure with defined rules and patterns.
  - Suitable for enterprises of strategic, economic, or national significance.
- **Disadvantages:**
  - Limits autonomy due to excessive control.
  - Stifles initiative and flexibility within the enterprise.
  - Imposes rigid financial and budgetary constraints.
  - Encounters bureaucratic red tape and delays.
  - Hinders effective delegation of authority due to over-centralization.

Given these drawbacks, this organisational form is less favoured for contemporary economic and financial enterprises due to its inherent rigidity and bureaucratic inefficiencies.

Public Corporation

A public corporation can be defined as a form of public enterprise that developed in the second half of the 20th century.

Some important public corporations of Central Government are:

- Reserve Bank of India (1935)

- State Bank of India (1955)
- Food Corporation of India (1964)

Some important public corporations of State Government are:

- State Road Transport Corporations
- State Electricity Boards
- **Characteristics of a Public Corporation:**
  - **Ownership:** Entirely state-owned, with the government providing all capital.
  - **Legal Foundation:** Established through specific legislation, either at the central or state level, delineating its objectives, powers, duties, privileges, and management structure.
  - **Legal Entity:** Possesses a distinct legal identity, capable of legal actions such as suing and being sued, entering contracts, and acquiring property in its name.
  - **Financial Autonomy:** Generally self-financed, with funds sourced from borrowing, public revenue, and sales of goods/services. Empowered to utilise and reinvest its revenues.
  - **Regulatory Exemption:** Typically exempted from many regulatory statutes applicable to public funded expenditure.
  - **Fiscal Oversight:** Typically not subject to budgetary, accounting, and audit laws governing non-corporate government entities.
  - **Employment Status:** Employees are typically not civil servants and are recruited and compensated based on corporation-established terms and conditions.
  - **Autonomy:** Operates with functional autonomy, not directly controlled by the department head (minister) in day-to-day activities. Governed by the creating statute, with policy directions issued by the minister.
  - **Management Structure:** Governed by a Board of Directors appointed by the government, overseeing its operations.

Government Company

A government company represents the predominant and widely employed organisational structure for managing public enterprises, encompassing both industrial and commercial sectors in India. Governed by the **Indian Companies Act of 2013,** a government company is defined therein as an entity in which no less than 51% of the share capital is owned by the Central Government, state government(s), or a combination thereof.

Such a company may either be fully government-owned, with all share capital invested by the government, or partially government-owned, with 51% of the share capital provided by the government and the remainder by private **sector.** Consequently, the latter variant is also termed a mixed-ownership company, reflecting a collaborative endeavour wherein share capital is divided between government and private interests, whether domestic or foreign. Through the acquisition of 51% or more of the share capital, the government assumes effective control over the mixed-ownership entity, hence the designation as a government company. The Indian Companies Act of 2013 delineates two categories of companies: private limited companies and public limited companies.

PUBLIC COMPANY vs PRIVATE COMPANY

BASIS	PUBLIC COMPNAY	PRIVATE COMPNAY
Listing of Shares	Listed on a recognized stock exchange and therefore its shares can be traded by general public	Not listed on any stock exchange, and therefore, shares cannot be traded by general public
Minimum Capital	Minimum paid up share capital requirement is higher than private company	The minimum paid up share capital requirement is lower in case of private company
Members Count	There is no bar on the maximum number of members	Private limited company can have only a limited number of members.
Prospectus	Can issue prospectus to invite general public for share subscription	Cannot issue prospectus for invitation to shares of the company.
Share Transfer	The shareholders are free to transfer shares of the company.	Share transfers are not so easy in a private company.
Public Disclosure	Mandatory to file its earnings reports with the financial regulator}' board.	No need to disclose its earnings reports to outside parties.
Funding	Public company to compulsorily offer shares to existing shareholders (at the time of a new public issue)	A private company may not compulsorily need to offer any new issue of shares to its existing members.
Directors	Minimum numbers of director : 3	Minimum numbers of directors : 2
Motive	Need to also consider socio-economic causes (along with profit motive)	The only motive here is to make profit out of the company's object.
Management	Management is quite rigid and inflexible.	Management by tire owners themselves (so more flexible).

Other forms of Public Enterprises

- **Control Board:** These boards manage multi-purpose river valley projects and are established by executive resolutions of either the Central Government or state governments. Examples include the Nagarjuna Sagar Control Board, Kosi Control Board, and Bhakra–Beas Management Board.
- **Public Trust:** These trusts are created to oversee service enterprises or regulate activities with broader societal impact. They are established through special acts of Parliament and include entities like Port Trusts and the Unit Trust of India.
- **Commission:** Commissions are set up to undertake development work within specific domains. Established by special acts of Parliament, examples include the Tariff Commission, Khadi and Village Industries Commission, and the Forward Markets Commission.
- **Commodity Board:** These boards promote industrial development and are created by special acts of Parliament. Examples include the Small-Scale Industries Board, Coffee Board, and Rubber Board.
- **Cooperative Society:** These societies engage in developmental and promotional activities and are registered under the Societies Registration Act. Examples include the Indian National Research Development Corporation, Indian Farmers Fertiliser Cooperative Limited and Indian Dairy Development Corporation.

STATE ADMINISTRATION

State Secretariat

Each state operates its own Secretariat, serving as the central hub of state administration and comprising various government departments. Politically, these departments are overseen by ministers, while administratively, they are led by secretaries. At the helm of the State Secretariat is the Chief Secretary, with each department typically headed by a Secretary. Secretaries are typically senior IAS officers, except for specialised departments like the Public Works Department, which may be led by a Chief Engineer. Importantly, Secretaries serve as representatives of the entire state government, not individual ministers.

Personnel

Personnel within a Secretariat department are appointed for specific terms. **The hierarchy of Secretariat officers typically follows this structure:**

- Secretary
- Special Secretary/Additional Secretary
- Joint Secretary
- Deputy Secretary
- Under Secretary
- Assistant Secretary

Functions

Functions of a Secretariat entail various roles in assisting the minister in fulfilling their duties. These functions encompass:

- Formulating policies and programs for the state government.
- Coordinating state government policies and programmes.
- Drafting the state budget and overseeing public expenditure.
- Developing legislation, rules, and regulations.
- Supervising the implementation of policies and programs by field agencies.
- Evaluating the outcomes of policy execution.
- Maintaining communication with Central and other state governments.
- Initiating measures to enhance organisational efficiency, such as operations and management work.
- Supporting ministers in their obligations to the state legislature, including answering queries.
- Appointing department heads and managing associated administrative tasks like salary administration.
- Serving as a repository of knowledge and ideas for the state government.
- Exploring avenues to improve the state's financial status.
- Addressing grievances and appeals from the public.
- Approving service rules and their modifications.

Chief Secretary

The Chief Secretary holds a paramount position within the State Secretariat and serves as its **executive head and the administrative leader of the state.** Positioned at the zenith of the state administrative hierarchy, the Chief Secretary's authority transcends that of other secretaries, encompassing oversight over all Secretariat departments. He plays a pivotal role in guiding, supervising, and directing the entire state administration, assuming various responsibilities within the administrative framework.

Since 1973, the Chief Secretary has held the distinction of being the most senior civil servant across all states. Prior to this standardisation, variations existed, such as in Punjab where the Chief Secretary was subordinate to the Financial Commissioner, and in Tamil Nadu where he held seniority. However, with the recommendations of the Administrative Reforms Commission of India in 1973, the position of Chief Secretary was aligned with that of the Secretary to the Government of India in terms of status and remuneration.

Appointment to the position of Chief Secretary is made by the Chief Minister from among the senior IAS officers of the state cadre, considering factors such as seniority, service record, performance, merit, and the Chief Minister's trust and confidence in the officer. Notably, the Chief Secretary's tenure is not subject to fixed terms, as the position has been exempted from the tenure system.

Powers and functions

The powers and duties of the Chief Secretary are delineated in the 'Rules of Business' formulated by the state government, augmented by established conventions. Here are the key roles he assumes:

- **Advisor to the Chief Minister:** Serving as the principal advisor to the Chief Minister, the Chief Secretary offers counsel on all matters pertaining to state administration. He assists in policy formulation, elucidates administrative implications of ministerial proposals, and fosters communication between the Chief Minister and other state secretaries.
- **Secretary to the Cabinet:** Acting as the Secretary to the State Cabinet, the Chief Secretary administers the Cabinet Secretariat, orchestrates Cabinet meetings, prepares agendas, records proceedings, and oversees the implementation of decisions taken therein.
- **Head of Civil Service:** As the head of the state civil service, the Chief Secretary oversees appointments, transfers, and promotions of senior civil servants, nurturing the morale of the civil service and serving as their conscience-keeper.
- **Chief Coordinator:** Functioning as the chief coordinator of state administration, the Chief Secretary fosters inter-departmental coordination, advises secretaries on resolving interdepartmental issues, chairs coordination committees, and presides over meetings attended by administrative officials at various levels.
- **Head of Certain Departments:** The Chief Secretary often serves as the administrative head of select Secretariat departments, including the General Administration, Personnel, Planning, and Administrative Reforms Departments, playing a pivotal role in the state government's affairs.
- **Crisis Administrator:** During crises such as natural disasters or communal disturbances, the Chief Secretary assumes a leadership role, providing guidance to relief operations, participating in high-level policy decisions, and representing the state government in crisis management.
- **Other Functions and Roles:** The Chief Secretary fulfils various additional functions and roles, including managing residual matters, serving as the secretary of the Zonal Council, exercising supervision over the entire State Secretariat, overseeing administrative aspects such as infrastructure and staff, facilitating communication between the state and central governments, contributing to law and order administration and planning, representing the state government in national forums, and serving as the chief public relations officer.

IGNITE YOUR MIND

Considering the Chief Secretary's critical role in state administration, encompassing advisory, coordinative, and crisis management functions, how do you evaluate their contribution to the state's governance efficiency and effectiveness?

Chief Secretary Vs. Cabinet Secretary

In the Union Government, there isn't an exact equivalent to the role of the Chief Secretary at the state level. While the Cabinet Secretary at the Central level may be considered somewhat analogous, the responsibilities and scope of the Chief Secretary in state administration are extensive and diverse. These duties are distributed across multiple positions at the central level, including the Cabinet Secretary, the Personnel Secretary, the Home Secratary and the Finance Secretary.

Similarities	Differences
They both serve as principal advisors to their respective chief executives.	The Chief Secretary possesses a broader scope of powers and functions compared to the Cabinet Secretary.
They both play a crucial role in coordinating activities within their administrations.	While the Chief Secretary serves as the administrative head of the State Secretariat, the Cabinet Secretary does not hold this role in the Central Secretariat.
They both hold the position of Secretary to their respective cabinets.	The Chief Secretary holds the position of chief among state secretaries, whereas the Cabinet Secretary is considered first among equals among Central secretaries.
They both serve as the administrative heads of their respective cabinet secretariats.	At the state level, the Chief Secretary serves as the Residual Legatee, whereas this role at the Central level is fulfilled by the Principal Secretary to the Prime Minister, who oversees the PMO.
Both positions were established initially at the Central level.	Some departments within the State Secretariat directly fall under the Chief Secretary's jurisdiction, while no department within the Central Secretariat is directly under the Cabinet Secretary's charge, with the exception of the Cabinet Secretariat itself.
They both oversee the execution of decisions made by their respective cabinets.	
They both serve as the heads of their respective civil services.	

Directorates

At the state level, the government comprises three key components: the Minister, the Secratary, and the Executive head. Together, the minister and the secretary form what is commonly referred to as the Secretariat. Conversely, the executive head's office is termed the Directorate, which operates under the State Secretariat.

While a Secretariat functions as a staff agency primarily involved in policy-making, a Directorate serves as a line agency focused on policy execution. Directorates essentially act as the operational arms of state governments, tasked with implementing policies formulated by the Secretariat. These bodies are also referred to as executive departments, distinct from Secretariat departments. In most cases, each Secretariat department corresponds to a specific executive department.

Functions

The duties of the Head of the Directorate include:

- Providing technical counsel to the ministers.
- Preparing the department's budget.
- Exercising disciplinary authority over subordinate officers in accordance with regulations.
- Offering guidance to the State Public Service Commission on promotions and disciplinary measures.
- Conducting inspections to oversee the implementation of departmental work by district staff.
- Allocating grants and reallocating budget funds.
- Handling all aspects of personnel management, including appointments, confirmations, transfers, and promotions within defined parameters and established regulations.
- Developing in-service training initiatives for departmental personnel.
- Conducting research and experimentation projects within the department to enhance efficiency.
- Granting approval for officers to attend conferences (excluding inter-state or Central Government conferences).

DIVISIONAL ADMINISTRATION

Divisional Commissioner

To enhance administrative efficiency, states are segmented into divisions, each typically comprising four to six districts. Consequently, a division functions as an intermediary administrative unit situated between districts and the state headquarters.

The head of a division is the divisional commissioner, tasked with supervisory and managerial responsibilities, occupying a middle position in the hierarchy between district collectors and the state secretariat. As a representative of the state government within the division, the divisional commissioner is appointed by the state government and typically holds a senior position within the Indian Administrative Service (IAS).

Established in 1829 by Lord William Bentinck, the institution of divisional commissioner is present in most states, excluding Andhra Pradesh, Goa, Gujarat, Kerala, Manipur, Mizoram, Sikkim, Tamil Nadu, Telangana, and Tripura. In these states, direct communication between district collectors and the state secretariat bypasses the need for an intermediary like the divisional commissioner.

Functions

The divisional commissioner serves as the chief administrative authority within the division, overseeing revenue, law and order, and development administration. His jurisdiction encompasses various key responsibilities, including:

- Acting as the highest executive authority in the division, providing supervision, guidance, and control over offices such as collectors, chief executive officers of zilla parishads, superintendents of police, and municipal councils.
- Heading revenue administration, including hearing appeals on revenue matters against district collectors' decisions.
- Serving as the primary coordinator at the divisional level for government and public organisations.
- Ensuring the effective implementation of developmental schemes and resolving any obstacles to their execution.
- Resolving interdepartmental disputes and fostering inter-district coordination.
- Overseeing law and order administration, including maintaining peace, managing jails, and granting firearm licences.
- Conducting periodic inspections of district, sub-divisional, and tehsil offices, and handling matters related to land reforms, surveys, loans, and dues.
- Ensuring the integrity and courteous behaviour of government officials while addressing public grievances.
- Managing crisis and emergency situations, supervising relief and rehabilitation efforts, and providing guidance to district collectors.
- Supervising the functioning of panchayati raj bodies and municipal institutions within the division.

Regional Officer

Several executive departments within the state government establish regional offices, each responsible for a specified area covering multiple districts, usually between three and seven in number. These regional offices serve as an intermediate administrative tier between the state headquarters (directorates) and the district-level organisation.

At the helm of a regional office is a regional officer, who assumes leadership responsibilities for the office's operations. Examples of such officers include the Deputy Inspector General of Police overseeing the range office, the Conservator of Forests heading the range office (also known as the circle office), the Superintending Engineer of

Public Works in charge of the circle office, and the Regional Transport Officer leading the regional office. Additional instances encompass the Deputy Director of Agriculture, Joint Director of Animal Husbandry, Regional Joint Director of Education, and Superintending Engineer of Irrigation, among others.

Unlike the multifaceted role of a divisional commissioner, a regional officer's jurisdiction is specific to the activities of the respective department within the region. It's important to note that the territorial jurisdiction of regional offices across various executive departments may vary, tailored to the unique needs of each department. Additionally, the territorial boundaries of a regional office may or may not align with those of a division overseen by a divisional commissioner.

Functions

The functions of a regional office encompass the following:

- Supervising and overseeing the activities of departmental officers at the district level
- Assisting the department head by assuming some of their responsibilities, allowing them to focus on more critical matters
- Providing technical guidance to district-level personnel within the department
- Coordinating the efforts of district-level officers to facilitate the smooth implementation of policies and programs
- Serving as an evaluation body, assessing the attainment of objectives by field offices
- Conducting regular tours and inspections of field offices to identify challenges and obstacles
- Maintaining close communication with the functioning of local governance bodies, such as panchayati raj institutions, within its jurisdiction
- Compiling comprehensive reports for the department head on the performance of departmental officers within the region

DISTRICT ADMINISTRATION

District Collector

A District Collector, known as a Deputy Commissioner in Karnataka, Assam, Punjab, Jammu & Kashmir, and Haryana, and as a District Magistrate in West Bengal and Uttar Pradesh, presides over the district administration and serves as the official representative of the state government within the district. The administrative hub of a District Collector is termed the Collectorate.

This role, unique to India, finds its closest parallel in the office of Prefect in France. In France, the Prefect oversees the department, the largest administrative unit in the country, acting as an official emissary of the Central Government. The Prefect's office is known as the Prefectorate, making the French Prefect the nearest counterpart to the Indian District Collector.

Directly overseeing the Revenue and General Administration Department as well as the Registration Department, the District Collector's influence extends across all other departments within the district administration. As a multifaceted official, the District Collector serves as the linchpin around which the district's entire administration revolves.

Belonging to the General Administration Department of the state government, under the political leadership of the Chief Minister and administrative oversight of the Chief Secretary, the District Collector operates under the control and supervision of the Divisional Commissioner.

Roles and Functions

The District Collector's role and functions within district administration encompass various domains, which can be categorised as follows:

- **Revenue Administration:** Traditionally, the District Collector, often referred to simply as the Collector, has been primarily responsible for revenue collection within the district, as implied by the title itself. This role remains central, with duties including:
  - Collection of land revenue.
  - Collection of government dues.
  - Distribution and recovery of taccavi loans.
  - Maintenance of land records.
  - Collection of rural statistics.
  - Power to acquire land for various purposes.
  - Implementation of land reforms.
  - Oversight of agriculturists' welfare.
  - Assessment of crop losses and recommending relief during natural calamities.
  - Supervision of treasury and sub-treasury operations.
  - Enforcement of the Stamp Act.
  - Management of government estates.
  - Adjudication of revenue appeals.
  - Disbursement of Zamindari abolition compensation.
- **Law and Order Administration:** The District Collector, in the capacity of the district magistrate, plays a pivotal role in maintaining law and order within the district. Key responsibilities include:
  - Supervising and overseeing subordinate magistrates.
  - Issuing orders under Section 144 of the Criminal Procedure Code to maintain public order.
  - Handling petitions from various sources.
  - Granting parole to prisoners and inspecting jails.
  - Administering licences for arms, hotels, explosives, petroleum, etc.
  - Monitoring and directing the actions of the district police.

- Enforcing laws such as the Entertainment Tax Act and Press Act.
- Coordinating with armed forces during emergencies.
- Prosecuting offenders under relevant acts.
- Ordering disposal of unclaimed property.
- Recommending forest development schemes.

❑ **Development Administration:** Post-Independence, the Collector's role in development administration has become significant, though it varies across states. Duties may include:
- Overseeing both regulatory and developmental activities in some states, while in others, development administration falls under the purview of other bodies like Zila Parishad.
- Coordinating the implementation of development programs among district-level officers.
- Liaising with the District Rural Development Agency for development initiatives.
- Coordinating developmental activities and ensuring synergy among various departments.

❑ **Other Powers and Functions:** Additionally, the District Collector performs a myriad of other tasks, including:
- Acting as the Returning Officer for parliamentary and state assembly elections.
- Conducting census operations.
- Serving as the Chief Protocol Officer.
- Chairing the District Plan Implementation Committee.
- Representing the state government in ceremonial functions.
- Acting as a bridge between citizens and the administration.
- Supervising municipal administration.
- Serving as the Public Relations Officer.
- Managing crises during emergencies.
- Handling personnel matters of district staff.
- Managing civil supplies and civil defence.
- Liaising with military authorities and supporting military personnel, both active and retired.

IGNITE YOUR MIND

Reflecting on the diverse responsibilities of the District Collector, spanning revenue collection, maintaining law and order, and overseeing development initiatives, how do you assess their role in connecting the government with local communities?

The Collectorate

The office of the District Collector, known as the Collectorate, serves as the administrative hub situated in the district headquarters. It comprises several sections, each dedicated to assisting the Collector in executing his duties and managing administrative tasks effectively. Here are some common sections found in a Collectorate:

❑ Accounts Section
❑ Civil Supplies Section
❑ Development Section
❑ Election Section
❑ Establishment Section
❑ General Section, etc

Departmental District Officials

Most state departments are represented at the district level, with each department having its own leader. These district department heads are typically technical experts, specialised civil servants who belong to specialised state services organised along departmental lines. For instance, the 'Public Health Department', and the 'Forest Department' are headed by the District Health Officer and District Forest Officer respectively. They operate under the guidance and oversight of their respective state department heads, such as Directors or Commissioners who lead the Directorates. However, the District Collector, in their capacity as the head of district administration, oversees and harmonises their activities. Unlike other district officials, the collector is a generalist civil servant, typically a member of the Indian Administrative Service (IAS).

Administration Below the District Level

The District Collector holds the highest administrative position in the district and is supported by a hierarchical structure of officials for the effective performance of various duties.

Sub-Division

❑ According to the Land Revenue Code and the Criminal Procedure Code, a district is divided into subdivisions for revenue and criminal administration.
❑ The Sub-Divisional Officer (SDO), typically a member of the Indian Administrative Service (IAS) or State Civil Service, is appointed and overseen by the state government.
❑ With jurisdiction over revenue, magisterial, and executive matters, the SDO acts as the primary link between the District Collector and the tehsildar for revenue issues, as well as between the district magistrate and the station police officer for law and order concerns.
❑ Sub-divisions can be of two types: Office-based, where the SDO has a permanent office within the subdivision, or touring-based, where the SDO travels within the subdivision and resides at the district headquarters.

Tehsil/Taluka

❑ Each sub-division is further divided into administrative units known as tehsils, serving as fundamental administrative entities for tasks such as land revenue, land records, treasury, and magistracy.

- The Tehsildar, a gazetted officer belonging to the state civil service, oversees the tehsil's revenue collection and law enforcement, coordinating with various government departments and representing the state government's interests.
- However, in some states like Bihar and Jharkhand there is no Tehsil system.

Circle

- Tehsils are subdivided into circles for revenue administration purposes.

Village

- Villages serve as the smallest administrative units in all states. In Tamil Nadu, the village headman plays a crucial role in revenue, police, and general administration, representing the government's interests.
- Other states have different titles for similar roles, such as patwari in Punjab, Himachal Pradesh, Haryana, and Madhya Pradesh, lekhpal in UP, Karnam (or kanak pillai) in Tamil Nadu, and talati in Maharashtra, responsible for maintaining village revenue accounts and land records.

FEDERAL STRUCTURE IN THE CONSTITUTIONAL FRAMEWORK OF GOVERNANCE IN INDIA

The concept of federalism in the Indian Constitution embodies the distribution of powers between the central government and the states, ensuring a balanced and cooperative governance structure. It acknowledges the autonomy and authority of both the Union and the States, delineating their respective spheres of influence through the Union List, State List, and Concurrent List.

This constitutional arrangement reflects a commitment to decentralised governance, allowing for effective administration, responsive policymaking, and the promotion of local autonomy within a unified nation.

Distribution of Powers

The Indian Constitution establishes a quasi-federal system, combining features of both federal and unitary systems. The seventh schedule divides legislative powers into three lists vis-a-vis the Union List, the State List, and the Concurrent List.

- **Union List:** Parliament has exclusive powers to make laws with respect to any of the matters enumerated in the Union List. It covers at present 100 subjects (originally 97) like defence, foreign affairs, currency, atomic energy, inter-state trade and so on.
- **State List:** The state legislature has "in normal circumstances" exclusive powers to make laws with respect to any of the matters enumerated in the State List. It covers 61 subjects(originally 66) like public order, public health and sanitation, police, agriculture, fisheries and so on.
- **Concurrent List:** Both the Parliament and state legislature can make laws with respect to any of the matters enumerated in the Concurrent List. It covers 52 subjects(originally 47) like criminal law and procedure, population control and family planning, electricity, labour welfare and others.

Further, the power to make laws with respect to **residuary subjects** (i.e., the matters which are not enumerated in any of the three lists) are vested in the Parliament..

Mechanisms for Federal Cooperation

The constitution provides for several mechanisms for federal cooperation in the country. Some of these include:

- **Inter-state Council:** It can be established by the President under **Article 263** of the Constitution. It is chaired by the Prime Minister, and comprises Chief Ministers of all the States and UTs with legislature and Union Territories Administrators. It provides a platform to investigate and discuss subjects of common interest between the Centre and the states.
- **Zonal Council:** These are statutory bodies established under the **States Reorganisation Act, 1956** to promote interstate cooperation and coordination within specific zones of India. There are five Zonal Councils: Northern, Eastern, Western, Central, and Southern. Further North Eastern council was established statutorily in 1972 through North Eastern Council Act 1971. They are headed by the Union Home minister.
- **NITI Aayog:** It is a premier policy think tank established in 2015 by the Government of India to facilitate cooperative federalism and promote sustainable development. It serves as a platform for dialogue and collaboration between the central government, state governments, and other stakeholders to formulate policies for economic growth and social development.
- **Finance Commission:** Mandated by Article 280 of the Constitution, the Finance Commission is constituted every five years to assess the fiscal position of the Union and the States and make recommendations on the distribution of the net proceeds of taxes to be shared between the Centre and the states.
- **GST Council:** The GST Council is a constitutional body comprising the Union Finance Minister, Union Minister of State for Finance, and Finance Ministers of all states and Union Territories. It is responsible for making recommendations on issues related to the implementation of the Goods and Services Tax (GST), including tax rates, exemptions, and administrative procedures.
  - The GST Council promotes cooperative federalism by providing a forum for states to collectively decide on matters impacting indirect taxation and revenue sharing.
- **Central Sector and Centrally Sponsored Schemes:** These schemes promote federal cooperation by providing financial

assistance to states for implementing programs in areas such as education, health, agriculture, and infrastructure.

- **Central Sector Schemes** are fully funded and implemented by the central government, targeting subjects within its exclusive jurisdiction.
- **Centrally Sponsored Schemes** are partially funded by the central government and implemented by the states, addressing subjects under concurrent and state jurisdiction.

Federalism in Indian Context

The Indian style of federalism can be classified as a dynamic interplay of cooperation, competition, and even confrontation amongst the Union and the States. This type of relationship presents both challenges as well as opportunities.

Cooperative Federalism

When the Union and States work together towards shared objectives, it embodies cooperative federalism. For instance, the implementation of national schemes like the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) requires effective collaboration between the Union providing funds and the States executing them.

Platforms like the NITI Aayog, Zonal Councils and Inter-state Councils facilitate dialogue and joint decision-making on issues like water resource management and regional development.

Mechanisms to Resolve River Water Disputes in India

Inter-state River Water Disputes	❑ The Constitutional provision under Article 262 allows Parliament to by law provide for adjudication of related to interstate rivers. ❑ Interstate River Water Disputes Act, 1956, which provides for the constitution of tribunals to resolve disputes, such as the Cauvery Water Disputes Tribunal and the Krishna River Water Disputes Tribunal.
National Water Policy	❑ Formulated by the Central Government to guide water resource management and development in India. ❑ Encourages states to adopt a basin-level approach for integrated water resource managamant and equitable water allocation among riparian states.
Ministry of Jal Shakti	❑ Central ministry responsible for the management of water resources in India.
Inter-State Council	❑ Constitutional body established from time to time promote cooperation and coordination among states an various issues, ineluding water resources. ❑ Provides a platform for states to discuss and resolve inter-state disputes through dialogue and consensus-building.
Central Water Commission	❑ Apex technical organization under the Ministry of Jal Shakti, responsible for assessing and advising on water resources development and management.

Competitive Federalism

In competitive federalism, states compete with each other to attract investments, promote economic growth, and enhance governance outcomes by adopting innovative policies and reforms. This model emphasises decentralisation and autonomy, empowering states to experiment with policy interventions and regulatory frameworks to achieve developmental objectives.

This can be seen in several Indian states competing to improve their Ease of Doing Business (EoDB) rankings. For instance, states like Uttar Pradesh, Maharashtra, and Gujarat have implemented measures to streamline procedures for obtaining permits and licences, simplify tax compliance, and enhance infrastructure facilities to attract investment to create a conducive environment for business growth.

Confrontational Federalism

Confrontational federalism arises when there are disagreements, conflicts, or tensions between the central government and state governments over matters of jurisdiction, policy implementation, or resource allocation. In this model, there is a lack of consensus and cooperation, with disputes often escalating into legal battles, political standoffs, or administrative deadlock.

For instance, the ongoing dispute between the central government and the state governments of Kerala, Punjab, and West Bengal over the implementation of the Citizenship Amendment Act (CAA), the Kaveri river water dispute between Karnataka and Tamil Nadu, etc.

IGNITE YOUR MIND

Given the intricate balance of cooperative, competitive, and confrontational federalism within the Indian context, how do these dynamics influence the overall unity and diversity of the nation?

Special Provisions for States

- **Article 370:** It provides special autonomous status to the state of **Jammu and Kashmir,** allowing it to have its own constitution and greater legislative powers compared to other states. However, this article was abrogated in 2019, thereby revoking the special status of Jammu and Kashmir.
- **Article 371 to 371J:** It encompasses various special provisions for different states, including provisions related to autonomy, land ownership, and customary laws. These provisions aim to protect the unique cultural and socio-economic interests of states such as Nagaland, Assam, Manipur, and Mizoram, among others.
- **Fifth Schedule:** It deals with the administration and control of **Scheduled Areas and Scheduled Tribes** in various states but does not include the States of Assam, Meghalaya, Tripura and Mizoram. The Governor of each state with Scheduled Areas is empowered to issue regulations for the peace and good governance of these areas, taking into account the customs, traditions, and cultural practices of the tribal communities.
  - **Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA):** The PESA extends the principles of local self-government to Scheduled Areas, empowering Gram Sabhas with the authority to manage natural resources, promote economic activities and safeguard tribal rights.
- **Sixth Schedule:** It provides special provisions for the administration of tribal areas in the states of Assam, Meghalaya, Tripura, and Mizoram. It grants autonomy to these areas through the establishment of autonomous district councils (ADCs) and autonomous regional councils (ARCs).

Challenges to Federalism in India

India's style of quasi-federalism, despite its strengths, faces several challenges. The areas of concern include:

Distribution of Powers

- **Ambiguity and Overlapping Legislative Lists:**
  - **Conflict in Jurisdiction:** The Seventh Schedule categorises subjects into three lists - Union, State, and Concurrent. However, the classification can be ambiguous, leading to jurisdictional conflicts.
    - **Example:** The Vedanta alumina refinery project in Odisha pitted environmental concerns against industrial development goals. Both the Union Ministry and the state government claimed jurisdiction, causing delays and legal battles.
- Article 254 of the constitution in the situation of conflict between Union and State laws gives primacy to laws of the Union over state legislation for matters enumerated in concurrent list of the 7th schedule.
- **Inadequate Financial Resources for States:**
  - **Limited Devolution of Central Taxes:** The Finance Commission's formula for distributing central taxes to states is often criticised for being inadequate and not addressing regional disparities. This fuels demands for greater financial autonomy.
    - **Example:** Southern states argue for a fairer share of resources, highlighting the need for revised formulas.
  - **Limited Control over Key Taxes:** States have limited control over key taxes like income tax and corporate tax, relying heavily on Union grants and shared taxes. This restricts their ability to raise revenue for development initiatives.
- **Goods and Services Tax (GST):**
  - **Reduced State Autonomy:** While simplifying indirect taxation, the GST has been criticised for limiting state autonomy over taxation and fiscal flexibility.
    - **Union's Veto Power:** The GST Council's decisions require consensus, but the Union effectively holds veto power, raising concerns about states' rights.
- **Environmental Regulation and Forest Management:**
  - **Union's Dominance:** Although both Union and states have powers regarding forests, the Union's Forest (Conservation) Act, 1980, overrides state laws, giving the Union significant control.
    - **Example:** This has led to conflicts between states and the Union over forest management decisions, like the contentious Kudankulam nuclear power plant project in Tamil Nadu.
- **Education Reforms:**
  - **Central Overreach:** The Union's National Education Policy (NEP) 2020 has been criticised by states like Tamil Nadu for encroaching on their autonomy and disregarding existing education systems.
    - **States' Concerns:** States argue that the NEP lacks flexibility to address local needs and educational contexts, potentially creating uniformity at the cost of diversity and innovation.
- **Labour Regulations:**
  - **Union's One-Size-Fits-All Approach:** The Union's recent labour reforms have been contested by states like Kerala and Punjab for potentially overriding their existing worker protection measures and reducing flexibility in addressing local labour market issues.
    - **States' Arguments:** States argue that the reforms do not consider diverse labour market conditions and may negatively impact vulnerable worker groups in their regions.

Institutional Mechanisms

- **Unequal Representation in Rajya Sabha:** The Fourth Schedule of the Constitution allocates the number of seats to States and Union Territories in the Rajya Sabha.

The seats are proportional to each state's population compared to the total population of all states. For example, Uttar Pradesh has 31 members while Tripura has 1 member only.

- **Limited Role of Inter-State Council:** Established occasionally under Article 263 of the Constitution, the Inter-State Council aims to promote inter-state cooperation and resolve disputes. However, its recommendations are only binding in nature, limiting its effectiveness in enforcing solutions.

SR Bommai v. Union of India (1994)

Summary	❑ The case dealt with the dismissal of the state government in Karnataka and the subsequent imposition of President's Rule. It addressed the validity of such actions under Article 356 of the Constitution.
Key Issues	❑ Whether the satisfaction of the President under Article 356 is subject to judicial review. ❑ Whether the President's proclamation imposing President's Rule can be questioned on the ground of malafide.
Judgment	❑ The Supreme Court ruled that the President's satisfaction under Article 356 is subject to judicial review, and the court can examine whether the material on which the satisfaction was based was relevant and sufficient. The court also held that the proclamation imposing President's Rule can be challenged on the ground of malafides.

- **Centralization of Key Institutions:** Appointed by the Union, Governors are also expected to act as constitutional heads of their respective states and an agent of the Centre. This dual role raises concerns about their neutrality and potential bias towards the Union government, particularly during political crises.
- **Misuse of President's Rule:** The imposition of President's Rule in states has often been criticised for being politically motivated rather than based on genuine concerns about breakdown of constitutional machinery.
- **Overreach during Emergencies:** During periods of national emergency, such as the Emergency declared in 1975, the central government's wide-ranging powers can lead to the curtailment of fundamental rights and freedoms, as well as the erosion of state autonomy.
- **Impact on Federalism During COVID-19:** The Union government took charge of our entire governance structure, to handle the pandemic, at both national and regional level. For example, the invocation of the Disaster Management Act, 2005 to ensure better coordination between the Centre and the states.

Other Challenges

- **Rise of Regionalism and Identity Politics:** The demand for greater autonomy or even secession by some states, driven by regionalism and identity politics, poses a significant challenge to national unity. For instance, movements for separate statehood or greater autonomy in regions like Gorkhaland, and Vidarbha have been fueled by grievances related to cultural identity, economic disparities and political representation.
- **Centralisation of Economic Policies:** Central control over key economic levers such as taxation, infrastructure development, and industrial policy can limit states' ability to address local needs and aspirations. For example, centrally-sponsored schemes often come with strings attached, dictating how funds are allocated and spent, which may not always align with states' priorities or developmental needs.
- **Weak Judicial Enforcement:** Limited judicial capacity and inconsistent interpretation of federal provisions by the judiciary can hinder effective resolution of Centre-State disputes. For instance, disputes over matters such as water sharing, inter-state boundaries and legislative jurisdiction often languish in the courts for years, without timely resolution.

LOCAL GOVERNANCE

India's Constitution establishes a three-tier federal system of governance, with the Union (central government), States, and local governments. Local governments, also known as Panchayati Raj Institutions (PRIs) in rural areas and Municipalities in urban areas, play a crucial role in delivering essential services and promoting grassroots democracy.

Constitutional Provisions

- **Article 40:** It mandates the organisation of village Panchayats and their endowment with such powers and authority as may be necessary to enable them to function as units of self-government.
- **Part IX and Part IX A:** Introduced by the 73rd Amendment (1992) for Panchayats and the 74th Amendment (1992) for Municipalities, granting constitutional status and outlining their powers, functions, and finances.
  - The **73rd Amendment** resulted in the incorporation of a new **Part-IX** into the Constitution of India, titled 'The Panchayats', encompassing provisions outlined in Articles 243 to 243-O.
  - Furthermore, an additional **Eleventh Schedule** has been appended to the Constitution, delineating 29 functional items pertinent to panchayats.
    - The Article 243-G states that the State Legislatures possess the authority to enact laws that confer upon Panchayats the requisite powers and authority essential for their functioning as self-governing institutions.

- The **74th Amendment** added **part IX A** into the Constitution of India. It consists of articles 243-P to 243-ZG.
- It also added the **Twelfth Schedule** to the Constitution, containing 18 functional items of Municipalities.
  - The Article 243-W states that the state government may devolve or delegate any such authority to the Municipalities as may be necessary for the latter to function and ensure local self governance.

Structure of Local Governments

Most states follow a three-tier system of local governance comprising Gram Panchayats at the village level, Panchayat Samitis at the intermediate level, and Zilla Parishads at the district level for rural areas. In urban areas, the system consists of Municipal Corporations, Municipal Councils, and Nagar Panchayats, depending on the population and administrative requirements.

Rural Local Self Government: Institutions and their Functions

Introduced by the 73rd Amendment (1992), it lays the cornerstone for Panchayati Raj Institutions (PRIs) as the bedrock of rural self-government.

- **Three-tier Structure:** Envisions a pyramidal structure with Gram Panchayats (village level), Panchayat Samitis (block level), and Zila Parishads (district level).
- **Regular Elections:** Ensures democratic representation through direct elections by the people, empowering locals to choose their leaders.

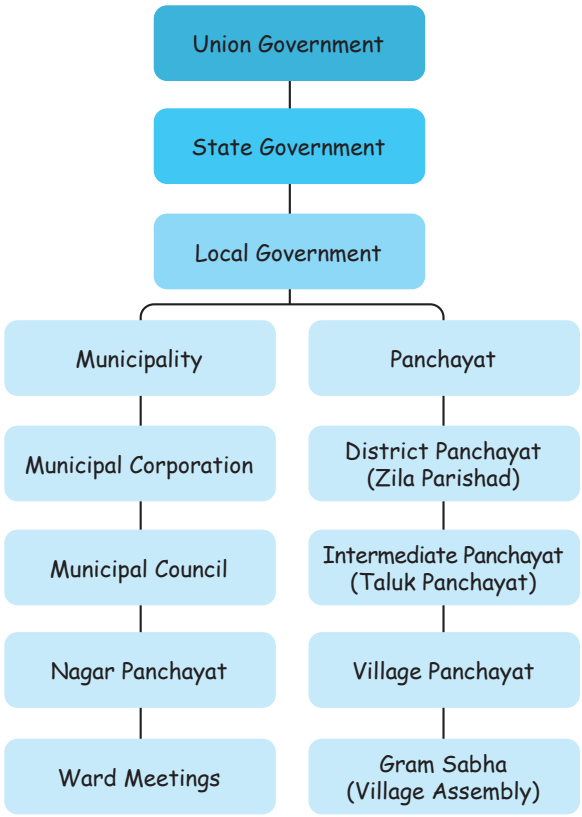


Fig. 2.2: Structure of Local Government

- **Devolution of Powers and Responsibilities:** Grants PRIs specific powers related to agriculture, water management, sanitation, primary education, health, infrastructure development, etc.
- **Financial Resources:** Mandates devolution of funds from the Consolidated Fund of the State to strengthen financial autonomy.
- **State Election Commission:** Oversees fair and transparent conduct of Panchayat elections, upholding democratic principles.
- **State Finance Commission:** Recommends devolution of resources from the State to Zila Parishad, intermediate level and Gram Panchayat level to enable them to function as effective units of self governance.

Urban Local Self Government

Introduced by the **74th Amendment (1992),** it lays the foundation for urban local self government, mirroring the Panchayati Raj system for rural areas.

- **Multi-Tier Structure:** Envisions different classes of Municipalities based on population size, ranging from Nagar Panchayats (small towns) to Municipal Corporations (metropolitan cities).
- **Regular Elections:** Ensures democratic representation through direct elections by the people, granting citizens a voice in local governance.
- **Devolution of Powers and Responsibilities:** Empowers Municipalities with specific powers related to urban planning, infrastructure development, sanitation, public health, etc., allowing them to address city-specific challenges.
- **Financial Resources:** Provides for Municipal funds through taxes, fees, and grants, fostering financial autonomy and resource mobilisation.
- **State Finance Commission:** Recommends devolution of resources from the State to Municipalities, addressing financial disparities.
- **State Election Commission:** Ensures free, fair and timely elections for municipality enhancing trust vibrancy of local governance.

Local bodies have been delegated various functions and powers, including urban planning, public health, sanitation, water supply, solid waste management, infrastructure development, and social welfare schemes. They also have fiscal autonomy to levy and collect taxes, fees and duties within their jurisdiction, enabling them to generate revenue for local development.

Significance of Local Self Government

- **Decentralisation of Power and Decision-making:** It brings governance closer to the people, enabling them to address local needs effectively.
- **Improved Service Delivery:** PRIs can tailor services to local contexts and respond to specific community requirements.

- **Enhanced Participation:** Provides a platform for citizen participation in decision-making, fostering democracy and accountability.
- **Social Development:** PRIs play a vital role in implementing poverty alleviation programs, promoting education, and empowering marginalised communities.

Challenges of Local Self Government

- **Limited Financial Resources:** PRIs often lack adequate funds to fulfil their responsibilities which hinders programme implementation.
- **Capacity Building:** Strengthening the capacity of elected representatives and officials is crucial for effective governance.
- **Administrative Resistance:** Undue interference from higher levels of government can undermine the autonomy and effectiveness of PRIs.
- **Gender and Social Inequalities:** Ensuring equitable representation and participation of all sections of society remains a challenge.
- **Parallel Structures:** Parastatal bodies, line departments and Special purpose vehicles like that for smart cities contest for resources, man power and authority with structures of local governance. They inhibit local governance structures to become self sustaining and autonomous. Further it reduces people interest in local elections as these structures are left with little functions and funds which further weakens their relevance.

Local governments play a key role in India's democratic and development process. Therefore, strengthening PRIs through adequate resources, capacity building, and addressing existing challenges is essential to ensure effective and inclusive local governance, ultimately leading to a stronger and more vibrant democracy in India.

IGNITE YOUR MIND

Considering the framework and objectives of urban local self-government introduced by the 74th Amendment, how do you assess its effectiveness in achieving decentralization of power and enhancing citizen participation in urban governance?

CONCLUSION

The constitutional structure of governance in India epitomises the nation's dedication to democratic ideals and the rule of law. This comprehensive framework, intricately woven through Constitutional provisions, delineates the powers and responsibilities of various authorities. It serves as the cornerstone of India's administrative machinery, fostering accountability, transparency and the protection of fundamental rights. As India progresses, this constitutional bedrock remains a dynamic and resilient foundation, essential for sustaining a thriving and inclusive democracy in the ever-changing landscape of the nation.

Framework of Governance in India-II

3

INTRODUCTION

India's governance relies on a complex network of constitutional, statutory, and regulatory essential for effective administration. These entities establish powers, duties and vital regulations, shaping the democratic framework from Constitutional principles to specialized regulations. This chapter examines the diverse institutions that underpin India's governance, exploring their functions and significance in upholding democratic values.

CONSTITUTIONAL BODIES AND INSTITUTIONS

India's unique federal democracy relies heavily on a diverse set of constitutional bodies. These independent institutions, established and empowered by the Constitution itself, play a crucial role in upholding the rule of law, safeguarding fundamental rights and ensuring the smooth functioning of the governance framework.

- **Key Features of Constitutional Bodies:**
  - **Constitutional Mandate:** Derived directly from the Constitution, granting them legitimacy and autonomy.
  - **Independence:** Functioning free from undue influence, guaranteeing unbiased and objective decisions.
  - **Specific Roles:** Each body holds well-defined responsibilities and powers as per the Constitution, ensuring accountability and focus.
  - **Safeguard Fundamental Rights:** Ensures individual liberties and protects citizens from arbitrary state action.
  - **Strengthen Democracy:** Promotes transparency, accountability and responsiveness that prevents concentration of power.

Election Commission

The Election Commission of India (ECI) is responsible for conducting free and fair elections for various levels of government, ensuring the democratic process functions effectively. It defines electoral rules, handles voter registration and oversees election campaigns.

- **Functions and Responsibilities:**
  - **Determining Constituencies:** To determine the territorial areas of the electoral constituencies on the basis of Delimitation act.
  - **Voter Registration:** Preparing and maintaining electoral rolls, ensuring the inclusion of eligible voters and updating voter lists regularly.
  - **Election Scheduling:** Announcing election dates and issuing election notifications.
  - **Conducting Elections:** Organising and conducting elections to the Lok Sabha, Rajya Sabha, State Legislative Assemblies, and the offices of the President and Vice-President of India. Overseeing polling procedures, ensuring smooth conduct of elections, and addressing electoral malpractices.
  - **Model Code of Conduct:** Enforcing a code of conduct for political parties and candidates, aiming for free and fair campaigning.
  - **Monitoring and Enforcement:** Monitoring electoral expenses, scrutinising candidate nominations, supervising polling booths, and overseeing the counting of votes to uphold the integrity of the electoral process.
  - **Announcement of Results:** Declaring election results after proper scrutiny and addressing any complaints.

Significance and Impact

- **Free and Fair Elections:** The Election Commission plays a crucial role in safeguarding the democratic fabric of India by ensuring free, fair and transparent elections.
- **Guardian of Democracy:** The ECI's impartial conduct strengthens public trust in the electoral process and upholds the democratic ideals of participation and representation.
- **Level Playing Field:** It ensures a level playing field for all political parties and candidates, preventing undue influence and fosters a healthy electoral environment.
- **Peaceful and Inclusive Elections:** By addressing electoral malpractices and promoting ethical campaigning, the ECI contributes to peaceful and inclusive elections for all sections of society.
- **Stability and Continuity:** Through its efficient election management, the ECI plays a vital role in ensuring political stability and smooth transitions of power in India.

The Election Commission of India stands as a bulwark of democracy, ensuring the conduct of free and fair elections that reflect the will of the people. Its impartiality, independence, and commitment to upholding electoral integrity are vital for strengthening democratic institutions and inclusive governance in the nation.

Union Public Service Commission (UPSC)

The Union Public Service Commission (UPSC) serves as a constitutional body entrusted with the responsibility of conducting examinations and recruiting personnel for various civil services and posts under the Government of India. Established under **Article 315** of the Constitution of India, the UPSC plays a crucial role in selecting individuals for key positions in the country's administrative machinery.

- **Functions:**
  - **Conduct of Examinations:** The UPSC conducts examinations for appointments to the all-India services, Central services and public services of the centrally administered territories.
  - **Advisory Role:** The UPSC advises the President and state Governors on matters related to recruitment, promotions, transfers, and disciplinary actions concerning civil servants.
  - **Maintenance of Standards:** It ensures the maintenance of high standards in the recruitment process by conducting examinations and interviews in a fair, transparent and impartial manner.
  - **Rule-Making Authority:** The UPSC has the authority to make regulations governing the conduct of examinations, eligibility criteria, and other procedural matters.

Significance and Impact

- **Merit-Based Recruitment:** The UPSC plays a pivotal role in selecting candidates for civil services based on merit, integrity, and competence, ensuring the recruitment of qualified individuals to serve the nation.
- **Fair and Transparent Process:** Its impartial conduct of examinations and recruitment process enhances public trust and confidence in the integrity of the civil services.
- **Strengthening Governance:** By recruiting capable and talented individuals, the UPSC contributes to strengthening the administrative machinery of the country and promoting good governance.

Finance Commission

The Finance Commission of India is a constitutional body established under **Article 280** of the Constitution of India. It plays a crucial role in fiscal federalism by recommending the distribution of financial resources between the Union government and the state governments.

The commission submits its report to the President. He lays it before both the Houses of Parliament along with an explanatory memorandum as to the action taken on its recommendations.

Significance and Impact

- **Equitable Resource Allocation:** The Finance Commission ensures the equitable distribution of financial resources between the Union and the states, thereby promoting balanced regional development.
- **Meeting Specific Needs:** Grants-in-aid recommended by the FC address the development needs of special category states, backward regions, and specific sectors.
- **Fiscal Federalism:** It strengthens fiscal federalism by providing a platform for dialogue and negotiation between the Union and the states on fiscal matters.
- **Fiscal Stability:** The periodic constitution of the Finance Commission ensures institutional stability and predictability in fiscal transfers, enhancing the confidence of states in the fiscal framework.

GST Council

The GST Council was created to ensure cooperation and coordination between the centre and the states for smooth implementation of the Goods and Services Tax (GST), which was introduced in India on July 1, 2017.

Significance and Impact

- **Cooperative Federalism:** The Council's structure fosters joint ownership and responsibility for the GST system, strengthening federalism in India.
- **Uniform Taxation System:** It aims to create a uniform and harmonised taxation system across the country, replacing the complex and fragmented indirect tax structure prevailing earlier.
- **Flexibility and Adaptability:** It allows for continuous review and modifications to the GST regime based on emerging needs and challenges.
- **Improved Ease of Doing Business:** Streamlined GST processes and a unified market contribute to enhanced business environment and economic growth.
- **Increased Revenue Generation:** Efficient GST implementation fosters wider tax base and improved revenue collection for both the Union and States.

In conclusion, the GST Council plays a key role in the implementation and administration of GST in India, embodying the principles of cooperative federalism and contributing to the growth and development of the economy.

IGNITE YOUR MIND

Reflecting on the role and functions of the GST Council in fostering cooperative federalism and streamlining India's taxation system, how do you evaluate its success in balancing the diverse economic interests of the Centre and the States while ensuring a unified tax regime?

National Commission for SCs, STs, BCs

The National Commissions for Scheduled Castes (NCSC), Scheduled Tribes (NCST), and Backward Classes (NCBC) are constitutional bodies established to safeguard the

rights and interests of marginalised communities in India. These commissions play a crucial role in addressing social inequalities and promoting inclusive development.

Impact

- **These Commissions Share Common Goals of:**
  - **Eliminating Discrimination and Social Inequalities:** They investigate complaints of discrimination, recommend action against perpetrators, and promote awareness about existing legal protections.
  - **Promoting Affirmative Action:** They advocate for reservation in education, employment, and other fields to enhance opportunities for these communities.
  - **Monitoring Implementation of Schemes:** They oversee the implementation of government programs aimed at uplifting their welfare and living standards.
  - **Empowering Communities:** They engage with community leaders, undertake research, and recommend policy changes to address specific needs.
  - **Annual Reports:** They present to the President, annually and at such other times as it may deem fit, reports upon the workings of constitutional safeguards.

Comptroller and Auditor General (CAG)

The Comptroller and Auditor General of India (CAG) plays a crucial role in safeguarding the financial integrity of the nation. It conducts audits of the Union and State governments, promoting financial accountability and transparency. It ensures proper utilisation of public funds and exposes any financial irregularities.

- **Functions:**
  - **Audit of Government Expenditure:** The CAG conducts audits of all expenditures from the **Consolidated Fund of India,** as well as the Consolidated Fund of each state and Union Territory with a legislative assembly, ensuring transparency and accountability in financial management.
  - **Audit of Special Funds:** He scrutinises expenditures from the **Contingency Fund of India** and the **Public Account of India,** along with similar funds at the state level, safeguarding against misuse of emergency funds and ensuring fiscal prudence.
  - **Audit of Departmental Accounts:** The CAG audits the trading, manufacturing, profit and loss accounts, balance sheets, and other subsidiary accounts maintained by various departments of both the Central and State governments, ensuring adherence to financial regulations and prudent financial management practices.
  - **Audit of Substantially Financed Bodies:** The CAG audits the receipts and expenditures of entities substantially funded by the Central or State revenues, including government companies and other corporations, as mandated by relevant laws, ensuring proper utilisation of public funds and accountability.
  - **Audit of Other Authorities:** Upon request by the President or Governor, the CAG audits the accounts of any other authority, such as local bodies, further extending accountability and transparency in financial administration.
  - **Advisory Role:** The CAG advises the President on the format for maintaining accounts of the Centre and states, contributing to the standardisation and efficiency of financial reporting practices.
  - **Submission of Audit Reports:** The CAG submits audit reports concerning the accounts of the Centre to the President, who then presents them before both houses of Parliament, facilitating parliamentary oversight and accountability. Similarly, audit reports related to state accounts are submitted to the Governor, who presents them before the respective state legislatures, ensuring state-level oversight and accountability.
  - **Support to Public Accounts Committee:** The CAG serves as a guiding force to the Public Accounts Committee of Parliament, providing insights and recommendations based on audit findings, promoting transparency and enhancing accountability in government finances.

Significance and Impact

- **Strengthening Public Trust:** CAG's independent audits enhance public confidence in the government's financial management and promote accountability.
- **Combating Corruption:** Exposing financial irregularities and inefficiencies deters potential misuse of public funds and fosters ethical practices.
- **Informing Policy Decisions:** CAG's reports provide valuable insights and recommendations for improving government programs and financial systems.
- **Promoting Fiscal Discipline:** By scrutinising financial transactions, the CAG encourages responsible utilisation of public resources and helps maintain fiscal stability.

Challenges and the Way Forward

- **Evolving Audit Landscape:** Adapting audit methodologies to keep pace with technological advancements and emerging financial instruments is crucial.
- **Human Resource Capacity:** Ensuring availability of skilled and adequately trained auditors to handle increasingly complex audits.
- **Timely Action on Recommendations:** Ensuring effective follow-up and implementation of CAG's recommendations by concerned authorities.
- **Public Awareness:** Enhancing public understanding of the CAG's role and importance in promoting financial accountability.

Therefore, the above constitutional bodies act as pillars of India's democracy, ensuring a harmonious balance between various organs of government.

NON-CONSTITUTIONAL BODIES AND INSTITUTIONS

Non-constitutional bodies are institutions or organisations that are not explicitly mentioned in the constitution. These derive their powers and functions from statutes or laws enacted by the legislative branch of government. These bodies are established through ordinary laws passed by the legislature and do not possess constitutional status. They can be established by executive order also, for example NITI AYOG.

Differences from Constitutional Bodies

- Non-constitutional bodies are created by ordinary laws passed by the legislature, whereas constitutional bodies are established by provisions within the constitution itself.
- Constitutional bodies typically have more independence and authority, as their functions and powers are directly enshrined in the constitution.
- Constitutional bodies often have greater permanence and stability compared to non-constitutional bodies, which can be created, modified, or abolished by subsequent legislative actions.

Statutory Bodies

- Statutory bodies are created by specific statutes or laws enacted by the legislature.
- They derive their powers and functions from the legislation that establishes them.
- Their examples include: National Human Rights Commission (NHRC), Securities and Exchange Board of India (SEBI), Reserve Bank of India (RBI).

Regulatory Bodies

- Regulatory bodies are established by the government to oversee and regulate specific industries or sectors of the economy.
- They set and enforce rules, standards and regulations to ensure compliance and fair practices within their respective sectors.
- Their examples include: Telecom Regulatory Authority of India (TRAI), Insurance Regulatory and Development Authority of India (IRDAI), Food Safety and Standards Authority of India (FSSAI).

Quasi-Judicial Bodies

- Quasi-judicial bodies possess some characteristics of both judicial and administrative bodies.
- They resolve disputes, make decisions and perform functions that are quasi-judicial in nature.
- Their examples include: National Green Tribunal (NGT), Central Electricity Regulatory Commission (CERC), Competition Commission of India (CCI).

IGNITE YOUR MIND

Considering the roles of statutory, regulatory, and quasi-judicial bodies in India's governance framework, how do their functions and powers reflect on the balance between legislative oversight and operational autonomy?

NITI Aayog

NITI Aayog was established via a government resolution in 2015, replacing the Planning Commission which had been in existence since 1950. It is the premier policy think-tank of the Government of India providing key directions across the social and economic development landscape.

Composition of NITI Aayog

- **Chairperson:** The Prime Minister of India is the ex-officio Chairperson of the NITI Aayog.
- **Vice Chairperson:** Appointed by the Prime Minister.
- **Full-time Members:** Up to four full-time members with expertise in different fields are appointed by the Prime Minister.
- **Part-time Members:** Up to two part-time members from leading universities, research institutions, and other relevant institutions are nominated by the Prime Minister in an ex-officio capacity.
- **Ex-Officio Members:** Up to four members of the Union Council of Ministers are nominated by the Prime Minister.

Role of NITI Aayog in governance

- **Policy Formulation and Coordination:** NITI Aayog acts as a think tank and formulates strategic policies and action plans to address developmental challenges across various sectors. It coordinates with central and state governments, union territories, and other stakeholders to ensure effective implementation of policies and programs.
- **Promotion of Cooperative Federalism:** NITI Aayog promotes cooperative federalism by promoting dialogue and collaboration between the central and state governments. It facilitates the exchange of ideas, best practices, and innovative solutions among states to address common challenges and achieve shared development goals.
- **Monitoring and Evaluation:** NITI Aayog monitors the progress of government schemes, programmes and initiatives across various sectors, through **the Development Monitoring and Evaluation Office (DMEO),** which is an attached office of NITI Aayog. It conducts rigorous evaluations and assessments to

identify bottlenecks, gaps and areas for improvement, thereby enhancing accountability and performance.

- **Promotion of Innovation and Digital Transformation:** NITI Aayog promotes innovation, digital transformation, and adoption of emerging technologies across sectors through initiatives like Digital India, AIM (Atal Innovation Mission), and AI (Artificial Intelligence) for All.
- **Addressing Regional Disparities and Inclusive Growth:** NITI Aayog identifies and addresses regional disparities by formulating targeted policies and interventions to promote inclusive growth and development.
- **Advisory Role to the Prime Minister:** NITI Aayog serves as an advisory body to the Prime Minister on key policy issues, economic challenges and development priorities. It provides strategic insights, expert advice, and policy recommendations to support informed decision-making at the highest level of government.

NITI Aayog has formulated the **"Strategy for New India @75",** outlining a long-term roadmap for inclusive and sustainable development. It also prepares annual reports evaluating performance against goals.

National Human Rights Commission (NHRC)

The National Human Rights Commission (NHRC) was established in 1993 under the **Protection of Human Rights Act, 1993.** It acts as a statutory body, independent of the government, to uphold human rights as per domestic laws and international agreements.

Functions and Mandate

- The NHRC inquires into human rights violations, whether reported or suo-motu, and intervenes in relevant court proceedings.
- It conducts visits to detention facilities and makes recommendations for improvement in facilities.
- It also reviews legal frameworks and recommends measures for effective implementation of human rights safeguards.
- It undertakes research, promotes awareness, and collaborates with NGOs to advance human rights causes.

Working Mechanisms

- The NHRC is headquartered in Delhi with the authority to establish offices across India.
- It is empowered to regulate its procedures and conduct inquiries akin to civil court proceedings.
- It utilises investigative staff and can seek assistance from government agencies and NGOs.
- However, its powers are limited as the time-frame for inquiries is typically one year of the alleged violation.

Role and Jurisdiction

- While recommendations of the NHRC are non-binding, they hold significant moral authority and must be acknowledged by the government.
- It has limited authority concerning human rights violations by armed forces, with recommendations requiring government response within three months.
- It submits annual reports to the Central and state governments, detailing actions taken and reasons for non-acceptance of recommendations.

Performance and Impact

- The NHRC addresses a wide array of human rights issues through investigations, recommendations, and advocacy efforts.
- Its notable interventions include addressing bonded labour, child labour, women's rights, and police reforms.
- It collaborates with various stakeholders, including NGOs, experts, and government bodies, to advance human rights causes.

National Commission for Women (NCW)

The National Commission for Women (NCW) was established in 1992 as an independent statutory entity under the **National Commission for Women Act, 1990.** Its mandate encompasses reviewing and addressing a broad spectrum of women's rights issues and formulating recommendations to enhance and safeguard these rights.

Functions and responsibilities of NCW

- Investigate and examine matters regarding safeguards for women under the Constitution and other laws.
- Present annual reports to the Central Government on the functioning of these safeguards.
- Make recommendations for effective implementation of safeguards to improve women's conditions.
- Review existing provisions of the Constitution and other laws affecting women, recommending amendments to address shortcomings.
- Take up cases of violation of women-related laws with appropriate authorities.
- Address complaints and take suo moto notice of issues regarding deprivation of women's rights and non-implementation of protective laws.
- Conduct promotional and educational research.
- Participate in and advise on the planning process for the socio-economic development of women.

IGNITE YOUR MIND

Given the National Commission for Women's (NCW) mandate to safeguard women's rights and its limitations in legal authority and resources, how do you assess the effectiveness of the NCW in promoting gender equality and addressing the challenges faced by women in India?

National Commission for Minorities (NCM)

The National Commission for Minorities plays a crucial role in safeguarding the interests and rights of minority communities in India. It evaluates their development progress, monitors the implementation of safeguards, investigates complaints of rights deprivation, and makes recommendations for effective policy implementation.

Functions of NCM

- **Progress Evaluation:** The commission evaluates the development progress of minorities at both the Union and State levels.
- **Safeguard Monitoring:** It monitors the implementation of safeguards for minorities as provided in the Constitution and laws enacted by Parliament and state legislatures.
- **Programme Implementation:** Ensuring the implementation of the Prime Minister's **15-Point Programme** for the Welfare of Minorities and the proper functioning of minority community programs.
- **Recommendations:** The commission makes recommendations to central and state governments for the effective implementation of safeguards for minority interests.

Population of Minorities in India (2011 census)

Religion	Number (In crores)	Proportion of population (%)
Muslims	17.22	14.2
Christians	2.78	2.3
Sikhs	2.08	1.7
Buddhists	0.84	0.7
Jains	0.45	0.4

- **Complaint Handling:** It investigates specific complaints regarding the deprivation of minority rights and safeguards, taking up such issues with relevant authorities.
- **Communal Conflict Investigation:** The commission investigates matters related to communal conflicts and riots, such as the 2011 Bharatpur communal riots and the 2012 Bodo-Muslim clashes in Assam.
- **Observance:** It observes **Minorities Rights Day annually on December 18th,** commemorating the adoption of the "Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities" by the United Nations in 1992.

Office of Chief Commissioner for Persons with Disabilities

The appointment of a Chief Commissioner for Persons with Disabilities is mandated under the **Section 74** of the **Rights of Persons with Disabilities Act, 2016.** The Department of Empowerment of Persons with Disabilities, under the **Ministry of Social Justice and Empowerment,** oversees the Chief Commissioner's functions.

- **Mandate:** The office is tasked with safeguarding the rights of persons with disabilities.
- **Composition:** It comprises one Chief Commissioner and two Commissioners to assist the Chief Commissioner at the Centre.
- **Important Functions:**
  - Identify, whether on its own initiative or otherwise, any laws, policies, programs, or procedures inconsistent with the Act and recommend corrective measures.
  - Investigate instances, whether initiated by itself or otherwise, of deprivation of rights of persons with disabilities and the available safeguards for them.

Rights of Persons with Disabilities Act 2016

- **Origin:** The new Act replaces the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.
- **International Obligation:** It fulfills India's obligations to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), to which India is a signatory.
- **Important Features:**
  - **Covers Wider No. of Disabilities:** The act covers 21 types of disabilities.
  - **Rights and Entitlements:** Benefits such as reservation in higher education (not less than 5%), government jobs (not less than 4%), reservation in allocation of land, poverty alleviation schemes (5% allotment), etc.
  - **Right to Free Education:** Every child with benchmark disability between the age group of 6 and 18 years shall have the right to free education.
  - **Establishment of Authorities:** Office of Chief Commissioner of Persons with Disabilities, who will be assisted by 2 Commissioners and an Advisory Committee comprising of not more than 11 members who have expertise in various disabilities.
  - **Accessible Public Infrastructure:** The Act mandates accessibility standards for physical infrastructure and transportation for persons with disabilities.
  - **Penalties:** Any person who violates provisions of the Act shall be punishable with imprisonment up to six months and/or a fine of Rs 10,000, or both.

Central Information Commission (CIC)

- **Establishment and Jurisdiction:**
  - The CIC was established by the Central Government in 2005 under the provisions of the **Right to Information Act of 2005.**
  - The CIC is a high-powered independent body responsible for addressing complaints and appeals regarding various government entities, including offices, financial institutions, and public sector undertakings, under the Central Government and Union Territories.

RTI Amendment Act, 2019

The Right to Information (Amendment) Act, 2019 introduced several key changes to the functioning and provisions of the RTI Act. These amendments include:

- **Term of Office for Chief Information Commissioner and Information Commissi-oners:** The amendment empowers the Central Government to determine the term of office for the Chief Information Commissioner (CIC) and Information Commissioners (ICs). Previously, their term was fixed at 5 years.
- **Salary and Service Conditions:** The Act now stipulates that the salary, allowances, and other service conditions of the CIC and ICs shall be determined by the Central Government. Previously, their remuneration and conditions were akin to those of the Chief Election Commissioner and Election Commissioners respectively.
- **State Information Commissions:** Similar to the provisions for the central level, the amendment grants the Central Government the authority to prescribe the term of office for State CICs and State ICs, which was previously fixed at 5 years.
- **State Information Commission Salary and Service Conditions:** The amendment also extends the Central Government's jurisdiction to regulate the salary, allowances, and other service conditions of State CICs and State ICs. Formerly, their conditions mirrored those of an Election Commissioner and the Chief Secretary of the state government respectively.

- **Powers and Functions:**
  - The Central Information Commission is vested with several powers and functions, including:
    - Receiving and inquiring into complaints related to the denial of information or unreasonable fees charged.
    - Ordering inquiries into matters based on reasonable grounds.
    - Summoning witnesses, inspecting documents, and issuing orders during inquiries, akin to a civil court.
    - Examining public records under the control of the relevant authority during complaints.
    - Ensuring compliance with its decisions, including providing access to information, appointing Public Information Officers, and imposing penalties for non-compliance.
    - Submitting an annual report to the Central Government on the implementation of the Right to Information Act, with recommendations for promoting compliance.
    - Recommending corrective steps to public authorities failing to adhere to the Act's provisions.

Central Vigilance Commission (CVC)

- **Establishment:**
  - The CVC was established in 1964 by an executive resolution of the Central government. Originally, it lacked a constitutional or a statutory status. It was later granted statutory recognition in 2003.
  - In 2004, it was designated as the agency for complaints regarding corruption or misuse of office.
- **Functions:**
  - The CVC inquires into corruption allegations against Central government employees.
  - It superintends over the Central Bureau of Investigation (CBI) and reviews the investigation progress.
  - It advises the government on vigilance-related matters and monitors vigilance administration across ministries.
  - It also conducts preliminary inquiries into the cases referred by the Lokpal.
  - Further, the CVC also has to annually present to the President a report on its performance, which then is placed before each House of Parliament by the President.
- **Jurisdiction:** Its jurisdiction extends to members of All India Services, officers in public sector banks and financial institutions, executives in public sector undertakings, and officers in societies and local authorities controlled by the Central Government.

Whistle Blowers Protection Act (2014)

- **Mechanism for Protection:**
  - Provides a mechanism to safeguard the identity of whistle blowers, individuals exposing corruption or irregularities in government.
  - Aims to shield whistle blowers from victimization and fear of reprisals.
- **Encouragement for Disclosure:** Establishes a system to incentivize individuals to disclose information regarding corruption or misuse of power by public servants, including ministers.

- **Public Interest Disclosure:** Allows individuals to make public interest disclosures on corruption to competent authorities, currently the Central Vigilance Commission (CVC).
  - Provision for the government to designate other bodies for receiving such complaints.
- **Punishment for False Complaints:** Specifies penalties of up to two years imprisonment and a fine of ₹30,000 for false or frivolous complaints.
- **Requirement of Good Faith:**
  - Mandates that every disclosure must be made in good faith.
  - Requires the whistle blower to provide a personal declaration stating their reasonable belief in the truthfulness of the disclosed information and allegations.
- **Identity Confirmation:** Specifies that no action will be taken on a disclosure if it does not indicate the identity of the complainant or public servant, or if the provided identity is found to be incorrect.
- **Exclusion Clause:** Exempts the Special Protection Group from the purview of the Act.

Central Bureau of Investigation

- **Establishment of CBI:**
  - The CBI was established in 1963 by a resolution of the Ministry of Home Affairs. Later, it was transferred to the Ministry of Personnel. It now operates as an attached office. The Special Police Establishment setup in 1941 was also merged with the CBI.
  - The establishment of CBI was recommended by the Santhanam Committee (1962-64) on Prevention of Corruption. It derives its powers from the Delhi Special Police Establishment Act, 1946.
- **Role and Functionality:**
  - The CBI serves as the primary investigating agency of the Central Government. It focuses on preventing corruption and maintaining integrity in administration.
  - Additionally, it provides support to bodies like the Central Vigilance Commission and Lokpal. Unlike the National Investigation Agency (NIA), the CBI investigates corruption, economic offences, and organised crime other than terrorism.
- **Process of Appointment of CBI Director:**
  - The Lokpal and lokayuktas Act (2013) amended the Delhi Special Police Establishment Act (1946) have altered the composition and appointment procedures within the CBI.
  - The appointment of the Director of CBI now involves a committee consisting of the Prime Minister, the Leader of Opposition in the Lok Sabha, and the Chief Justice of India or Judge of the Supreme Court nominated by him/her.
- **Functions:** Investigating corruption, bribery, and misconduct cases involving Central government employees and handling cases related to fiscal and economic laws, serious crimes with national and international implications, and coordinating with anti-corruption agencies.
- **Interpol Coordination:** The CBI acts as the 'National Central Bureau' of Interpol in India, facilitating cooperation with international law enforcement agencies.
- **CBI vs. State Police:**
  - The CBI's role, particularly through its division, the Special Police Establishment (SPE), complements that of state police forces.
  - Administrative arrangements prevent duplication and overlap in investigations between the CBI and state police, ensuring efficient handling of cases concerning different government levels.

Lokpal

The enactment of the Lokpal and Lokayukta Act, 2013 facilitated the creation of Lokpal at the national level and Lokayukta at the state level. Thus these are statutory institutions, and not constitutional bodies. They essentially perform the role of an 'ombudsman' and are tasked with investigating allegations of corruption against specific public officials and related matters.

- **Origin of the Ombudsman system:** The institution of Ombudsman was established officially in Sweden in 1809. The institution received significant growth in interest post World War II. The adoption of this system in New Zealand and Norway in 1962 led to the mass adoption of this system at a global scale.
- **System of Ombudsman in India:**
  - The first proposal for Ombudsman in India was given by the then Law minister Ashok Kumar Sen in the early 1960s. Dr. L.M. Singhvi coined the terms 'Lokpal' and 'Lokayukta'.
  - The First ARC (1966) also recommended a mechanism similar to the current Lokpal in 1966 to look into complaints against the public functionaries, including the Members of Parliament.
  - The Lokpal Bill introduced in Lok Sabha in 1968 lapsed due to its dissolution. Till 2011, a total of eight attempts were made, but the bill could not be passed.
  - **Venkatachaliah Commission in 2002** recommended the appointment of Lokpal as well as Lokayukta, but it recommended that the office of the Prime Minister shall be kept out of its ambit.
  - The Second ARC (2005) recommended that the institution of Lokpal and Lokayukta be established without delay.
  - The 'India Against Corruption' movement of Anna Hazare put enormous pressure on the Central Government which resulted in the passing of the

Lokpal and Lokayukta Bill 2013 and its eventual Presidential assent which resulted into the current Lokpal and Lokayukta Act, 2013.

- **Jurisdiction of Lokpal and its powers:**
  - **Broad Jurisdiction:** Lokpal's jurisdiction extends to various high-ranking officials, including the Prime Minister, Ministers, Members of Parliament, and government officers from Groups A, B, C, and D.
  - **Exceptions for Prime Minister:** However, the Prime Minister is exempt from Lokpal's jurisdiction in specific cases related to international relations, security, public order, atomic energy, and space.
  - **Parliamentary Immunity:** Lokpal lacks jurisdiction over matters discussed or voted upon in Parliament, providing immunity to Ministers and MPs for their parliamentary activities.
  - **Expanded Scope:** Additionally, Lokpal has jurisdiction over individuals in managerial positions within organisations established or financed by the central government, as well as those involved in acts of abetting, giving, or taking bribes.
  - **Asset Declaration Requirement:** The Lokpal Act mandates all public officials, including their dependents, to declare their assets and liabilities.
  - **Supervision over CBI:** Lokpal exercises supervisory authority over the Central Bureau of Investigation (CBI) and can provide directives to its operations.
  - **Protection of Investigative Officers:** Once Lokpal refers a case to the CBI, the investigating officer cannot be transferred without Lokpal's approval, ensuring investigative independence.
  - **Powers of Inquiry Wing:** The Inquiry Wing of Lokpal possesses the powers akin to a civil court, facilitating comprehensive investigations.
  - **Confiscation Powers:** Lokpal holds the authority to confiscate assets, proceeds, receipts, and benefits obtained through corrupt practices in specific circumstances.
  - **Recommendations and Directions:** Lokpal can recommend the transfer or suspension of public servants implicated in corruption allegations and issue directives to preserve records during preliminary inquiries, ensuring the integrity of investigations.
- **Limitations of the institution of Lokpal:**
  - **Efforts versus Realities:** Despite its intended role in combating corruption, the Lokpal institution faces significant shortcomings and gaps that require attention.
  - **Delay in Appointments:** The first Lokpal (Retired Supreme Court judge Pinaki Chandra Ghose) was appointed in the year 2019 i.e., six years since the passage of the Lokpal and Lokayuktas Act 2013, highlighting a lack of political resolve.
  - **Limited State Adoption:** While the Act mandates states to establish Lokayuktas within a year, there were only four states namely Bihar, Manipur, Odisha and Tamil Nadu which have judicial and non-judicial members of Lokayukta appointed as of 2020, indicating slow implementation and compliance.
  - **Political Influence:** Lokpal appointments are susceptible to political influence as the appointing committee comprises members from political parties, compromising its independence.
  - **Manipulable Appointment Process:** The absence of clear criteria for identifying "eminent jurists" or individuals of integrity allows for potential manipulation in Lokpal appointments.
  - **Inadequate Whistleblower Protection:** The 2013 Act fails to provide robust immunity to whistleblowers, potentially deterring individuals from reporting corruption due to fears of retribution.
  - **Exclusion of Judiciary:** The exclusion of the judiciary from Lokpal's purview represents a significant gap, limiting its effectiveness in addressing corruption within the judicial system.
  - **Lack of Constitutional Backing:** Lokpal lacks constitutional backing, and there are inadequate provisions for appealing its decisions, undermining its authority and legitimacy.
  - **Ambiguity in Lokayukta Appointment:** The Act leaves specific details regarding Lokayukta appointments to the discretion of states, resulting in ambiguity and inconsistencies.
    - Further, as of 2020, nine out of the 28 states and three Union Territories, namely Assam, Bihar, Chhattisgarh, Delhi, Goa, Jharkhand, Kerala, Madhya Pradesh, and Uttar Pradesh, were yet to revise their Lokayukta Acts to align with the standards set by the Lokpal and Lokayukta Act of 2013.
  - **Limited Corruption Complaint Window:** The seven-year limitation on registering corruption complaints restricts accountability for past offences, potentially shielding corrupt officials from scrutiny.

IGNITE YOUR MIND

Considering the establishment of Lokpal and Lokayukta as mechanisms to combat corruption within India's governance structures, how do their powers, limitations, and the challenges in implementation reflect on the effectiveness of these institutions in achieving transparency and accountability?

National Investigation Agency (NIA)

The NIA is a federal agency under the Indian government tasked with probing and prosecuting crimes linked to

terrorism, insurgency, and national security concerns. Federal agencies typically have jurisdiction over nationwide matters rather than state-specific issues.

- **About NIA:**
  - The NIA was established in 2009 after the 2008 Mumbai terrorist attacks. It operates under the National Investigation Agency (NIA) Act, 2008, under the Ministry of Home Affairs.
  - The National Investigation Agency (Amendment) Act, 2019, ratified in July 2019, introduced amendments to the NIA Act, 2008.
  - The NIA is empowered to take over investigations of terrorism-related cases from state police forces and other entities. It possesses the authority to investigate cases spanning state borders without needing prior approval from state governments.
- **Functions and role of NIA:**
  - The NIA's key functions include collecting, analysing, and disseminating intelligence pertaining to terrorism and national security issues. It coordinates with domestic and international law enforcement agencies on matters concerning terrorism and national security.
  - It organises capacity-building programmes for law enforcement agencies and relevant stakeholders.
  - The NIA initiates investigations through various means, such as referrals from state governments for scheduled offences, as per Section 6 of the NIA Act 2008.
  - The Central government can independently direct the NIA to investigate scheduled offences, whether within or outside India. During investigations of scheduled offences, the NIA has the authority to probe any connected offences.
  - It can seek sanction from the Central government to prosecute accused individuals under the UAPA and other scheduled offences.
  - It also maintains a specialised unit to address Left Wing Extremism (LWE) cases related to terror financing.
  - Lastly, it presents cases before the NIA Special Court upon completion of investigations.

NIA (Amendment) Act, 2019

- **Expansion of Jurisdiction:**
  - The NIA (Amendment) Act 2019 broadens the NIA's authority to investigate crimes committed outside of India, subject to international treaties and foreign laws.
  - If a crime falls under the Act's jurisdiction but occurs outside India, the Central Government can direct the NIA to investigate as if it were committed domestically.
- **Enhanced Scope of Investigation:**
  - The amended Act extends the range of crimes that the NIA can investigate, beyond those listed in the Schedule of the NIA Act.
  - In addition to existing offences like those under the Atomic Energy Act and Unlawful Activities (Prevention) Act, the NIA can now probe cases involving human trafficking, counterfeit currency, prohibited arms, cyber-terrorism, and offences under the Explosive Substances Act.
- **Special Courts Amendment:**
  - Initially, the NIA Act of 2008 established Special Courts for trying cases under the Act.
  - The 2019 amendment permits the Central Government to designate Sessions Courts as Special Courts for trying Scheduled Offences.
  - Prior to designation, consultation with the Chief Justice of the relevant High Court is mandatory, and in cases of multiple Special Courts, the most senior judge will assign cases.
  - State governments also have the authority to designate Sessions Courts as Special Courts for trying scheduled offences.

National Disaster Management Authority (NDMA)

The NDMA, formally established in 2006, under the **Disaster Management Act, 2005** serves as the country's top statutory body for disaster management.

- **About NDMA:** The NDMA is chaired by the Prime Minister, and comprises nine additional members, with one member designated as Vice-Chairperson.
- **Functions and responsibilities of NDMA:**
  - **Approval of National Disaster Plan:** NDMA is responsible for approving the National Disaster Plan, ensuring a comprehensive strategy for disaster management.
  - **Policy Formulation:** It lays down policies on disaster management, guiding national efforts towards effective disaster preparedness and response.
  - **Plan Approval and Coordination:** NDMA approves plans from Central Government Ministries or Departments, aligning them with the National Plan, and coordinates their implementation.
  - **Guideline Establishment:** NDMA sets guidelines for State Authorities and Central Government Ministries to develop their disaster management plans, ensuring consistency and integration of measures.
  - **International Support and Capacity Building:** NDMA provides support to other countries affected by major disasters, determined by the Central Government, and takes measures for disaster prevention, mitigation, preparedness, and capacity building.

Reserve Bank of India (RBI)

The RBI is India's Central Bank and the apex banking regulatory body in the country. It oversees the currency and credit system of the nation. It upholds the monetary stability by managing the reserves within the country. It issues bank notes and safeguards the financial stability while operating independently and politically. It promotes economic growth, and also fulfils its duties as the Banker's bank, and Banker to the government

Organisational structure of RBI

- The functioning of the Reserve Bank of India is overseen by a central board of directors comprising 21 members, including:
  - Governor.
  - 4 Deputy Governors.
  - 2 representatives from the Finance Ministry.
  - 10 directors nominated by the government.
  - 4 directors representing the headquarters of RBI's local boards.

Functions of RBI

- **Money Supply Regulation:** The RBI oversees and regulates the issuance and circulation of the Indian rupee, including printing currency as needed.
- **Payment Systems Management:** RBI manages the key monetary variables such as interest rates, money supply and inflation and influences the overall macroeconomic environment, which can impact investment, savings, consumption, and business decisions, thereby contributing to economic development.
- **Deposit Insurance:** The RBI has established the **Deposit Insurance and Credit Guarantee Corporation** to insure deposits and guarantee credit facilities in Indian banks.
- **Financial Supervision:** RBI conducts consolidated supervision of the financial sector, encompassing commercial banks, financial institutions, and non-banking finance companies.
- **Government Banking:** Acting as the banker to the Government of India, RBI maintains government accounts and facilitates financial transactions.
- **Foreign Exchange Management:** RBI facilitates external trade and payments while promoting orderly development of the foreign exchange market.
- **Central Banking:** Serving as the banker for banks, RBI manages accounts for commercial banks and all scheduled banks maintain banking accounts with it.
- **Banking Regulation:** RBI regulates and supervises the Indian banking system to ensure financial stability and public confidence.
- **Developmental Contributions:** RBI facilitates credit flow to developmental sectors such as agriculture, Micro and Small enterprises (MSEs), housing, and education.
- **International Representation:** RBI represents the Government of India in the International Monetary Fund and advocates for India's interests.

Securities and Exchange Board of India (SEBI)

Objective

- SEBI's primary objective is to protect the interests of investors in securities and to promote the development and regulation of the securities market.

Structure and composition of SEBI

- SEBI is governed by a Board of Directors comprising:
  - **Chairman:** Appointed by the Government of India, usually a senior bureaucrat or a person with significant experience in finance or law.
  - **Members:** Including officials from various government departments, representatives from the Reserve Bank of India (RBI), and experts from the financial sector.
- SEBI has regional offices located in major cities across India, including Delhi, Kolkata, and Chennai, to facilitate regulatory oversight and enforcement at the grassroots level.

Functions of SEBI

- **Regulation and Oversight:** SEBI regulates the securities market by overseeing the activities of various participants, including stock exchanges, brokers, and other intermediaries.
- **Issuer Regulations:** It regulates the issuance and listing of securities by companies through measures such as disclosure requirements, pricing guidelines, and corporate governance norms.
- **Investor Protection:** SEBI ensures investor protection by promoting fair practices and transparency in securities transactions and by regulating insider trading and fraudulent activities.
- **Market Surveillance:** SEBI conducts market surveillance to detect and prevent market manipulation, insider trading, and other malpractices.
- **Enforcement:** SEBI has enforcement powers to investigate and take action against violations of securities laws and regulations, including imposing penalties and initiating legal proceedings.
- **Promotion of Market Development:** SEBI promotes market development by introducing reforms and initiatives aimed at enhancing liquidity, efficiency, and transparency in the securities market.
- **Investor Education and Awareness:** SEBI undertakes investor education and awareness programs to educate investors about the risks and opportunities in the securities market and to empower them to make informed investment decisions.

- For instance, SEBI's 'Jan Jagruti Abhiyaan' that aims to educate investors about their rights in the securities market.

- **Research and Policy Development:** SEBI conducts research and analysis to assess market trends, identify regulatory gaps, and develop policies to address emerging challenges in the securities market.
- **Capacity Building:** SEBI focuses on building the capacity of market participants, including intermediaries and regulators, through training programs and skill development initiatives.

The establishment of the Securities Appellate Tribunal (SAT) aims to safeguard the interests of parties dissatisfied with rulings made by SEBI. Comprising a Presiding Officer and two additional members, SAT possesses equivalent authority to that of a civil court.

Insurance and Regulatory Development Authority of India (IRDAI)

Origins of IRDAI

- IRDAI, headquartered in **Hyderabad,** is an autonomous and statutory body established following the recommendations of the Malhotra Committee report under the IRDA Act of 1999.
- It serves as the apex regulatory body overseeing the insurance sector in India.
- The primary objective is to protect the interests of policyholders, regulate, promote, and ensure orderly growth of the insurance industry.
- The Ministry of Finance is the nodal ministry that oversees its operations.

Functions of IRDAI

- **Fair Regulation:** Ensures fair regulation of the insurance industry while maintaining financial soundness.
- **Regulatory Framework:** Frames regulations periodically to eliminate ambiguity in the insurance industry.
- **Registration and Regulation:** Registers and regulates insurance companies.
- **Policyholder Protection:** Protects policyholders' interests.
- **Licensing and Norms:** Issues licences and establishes norms for insurance intermediaries.
- **Promotion:** Promotes professional organisations in insurance.
- **Premium Regulation:** Regulates and oversees premium rates and terms of non-life insurance covers.
- **Financial Reporting:** Specifies financial reporting norms for insurance companies.
- **Investment Regulation:** Regulates investment of policyholders' funds by insurance companies.
- **Solvency Margin:** Ensures maintenance of solvency margin by insurance companies.
- **Rural Coverage:** Ensures insurance coverage in rural areas and for vulnerable sections of society.

Pension Fund Regulatory Development Authority (PFRDA)

Origin of PFRDA

- The PFRDA is a statutory regulatory body established under the PFRDA Act of 2013. Its aim is to promote old age income security by regulating pension funds and protecting the interests of subscribers.
- The PFRDA is located in New Delhi, and operates under the Ministry of Finance.

Composition of PFRDA

- The PFRDA consists of a Chairperson and up to six members, including at least three Whole-Time Members appointed by the Central Government.

National Pension System (NPS)

- **Launch:** Introduced in January 2004 as a government-sponsored pension scheme initially for government employees.
- **Expansion:** Opened to all sections in 2009.
- **Mandatory Applicability:** Mandatory for Central Government employees (except Armed Forces) recruited on or after January 1, 2004.
- **Contributions:** Allows subscribers to contribute regularly to a pension account during their working life, with options to withdraw a part of the corpus in a lump sum and use the remaining corpus to purchase an annuity for a regular income post-retirement.

Functions of PFRDA

- **Regulation of Pension Schemes:** Regulates the National Pension System (NPS) and other applicable pension schemes.
- **Establishment and Regulation of Pension Funds:** Develops and regulates pension funds.
- **Subscriber Protection:** Ensures the interests of pension fund subscribers are safeguarded.
- **Intermediary Regulation:** Registers and regulates intermediaries involved in pension schemes.
- **Norms for Fund Management:** Lays down norms for the management of pension fund corpus.
- **Grievance Redressal:** Establishes grievance redressal mechanisms for subscribers.
- **Dispute Resolution:** Settles disputes among intermediaries and between intermediaries and subscribers.
- **Training and Education:** Provides training to intermediaries and educates subscribers and the public on pension and retirement savings.

- **Information Gathering:** Gathers information and conducts inquiries, investigations, and audits of entities connected with pension funds.

IGNITE YOUR MIND

Considering the PFRDA's role in regulating pension funds and ensuring the financial security of India's aging population, how do you evaluate its effectiveness in balancing regulatory oversight with the promotion of pension schemes?

Telecom Regulatory Authority of India (TRAI)

Origins

- The Telecom Regulatory Authority of India (TRAI) was established on February 20, 1997, under the Telecom Regulatory Authority of India Act, 1997. It serves as the regulatory authority for the telecommunications industry in India.

Composition

- TRAI comprises a chairperson, up to two whole-time Members, and up to two part-time Members.
- The Central Government appoints the chairperson and members of TRAI, and they serve a term of three years or until they reach the age of 65, whichever occurs first.

Functions

- **Regulation of Telecom Services:** Responsible for regulating telecom services, including fixation/revision of tariffs, previously vested in the Central Government.
- **Quality Assurance:** Ensures quality of service and transparency in tariff.
- **Policy Advice:** Advises the government on policy matters and licensing issues.
- **Non-Binding Recommendations:** Recommendations made by TRAI are advisory and not binding upon the Central Government.

Appellate Authority

- The TRAI Act was amended to establish the **Telecommunications Dispute Settlement and Appellate Tribunal (TDSAT)** through an ordinance effective from January 24, 2000.
- TDSAT takes over adjudicatory and dispute functions from TRAI.

Press Council of India (PCI)

Origin of PCI

- The PCI has been established under the **Press Council of India Act of 1978.**
- It aims to preserve press freedom and enhance standards of newspapers and news agencies in India.

Composition of PCI

- The PCI consists of a chairman and 28 members.
- The Chairman is selected by the Speaker of the Lok Sabha, the Chairman of the Rajya Sabha, and a member elected by the PCI.

Functions

- The PCI assists newspapers in maintaining independence.
- It develops a code of conduct for journalists and news agencies.
- It maintains high standards of public taste and promotes citizen responsibility.
- It reviews developments likely to restrict the flow of news.

Powers

- The PCI receives complaints of journalistic ethics violations or professional misconduct.
- It conducts inquiries into received complaints.
- It summons witnesses, takes evidence under oath, demands copies of public records, issues warnings, and admonishes newspapers, news agencies, editors, or journalists.
- Its decisions are final and not appealable in court.

Limitations on Powers

- It has limited powers to enforce guidelines. It also cannot penalise violators.
- It overviews only print media, including newspapers, journals, and magazines, but lacks authority over electronic media like radio, television, and internet media.

Central Board of Film Certification (CBFC)

The Central Board of Film Certification (CBFC), operating under the purview of the **Union Ministry of Information and Broadcasting,** is a statutory entity responsible for certifying films.

Origins of CBFC

- The Central Board of Film Certification regulates the public exhibition of films under the **Cinematograph Act 1952.**
- It traces its roots back to the production of **India's first film, Raja Harishchandra.** Initially, censor bodies operated independently under the supervision of police chiefs in various cities.
  - Over time, these bodies were absorbed into the Bombay Board of Film Censors, which was eventually reorganised into the CBFC following the enactment of the Cinematograph Act 1952.

Structure and Composition of CBFC

- The CBFC comprises a Chairperson and not less than twelve and not more than twenty-five other members appointed by the Central Government.
- Members of the CBFC are selected based on their expertise and experience in diverse fields such as social science, education, law, arts, and filmmaking.

Powers of CBFC

- The CBFC is vested with the authority to certify films under different categories, including U (Universal), A (Adult), U/A (Universal with Adult supervision), and S (Restricted to specialised audiences).
- Additionally, it has the discretion to refuse certification for films that contravene certain guidelines or principles. These may include instances where films glorify anti-social activities, depict criminal acts, or contain scenes deemed inappropriate for public viewing.

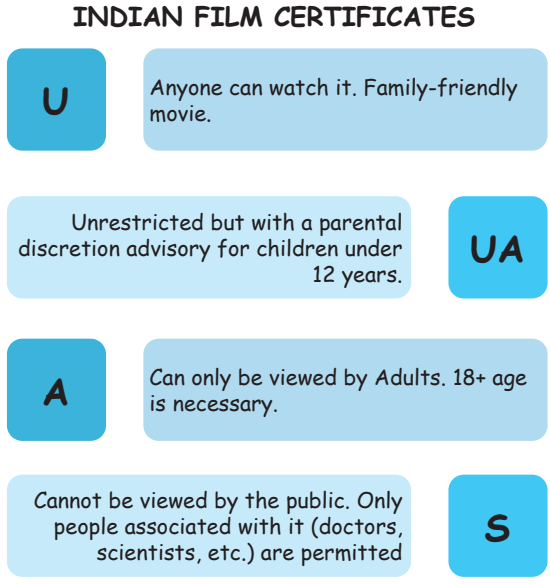

INDIAN FILM CERTIFICATES
U
Anyone can watch it. Family-friendly movie.
Unrestricted but with a parental discretion advisory for children under 12 years.
UA
A
Can only be viewed by Adults. 18+ age is necessary.
Cannot be viewed by the public. Only people associated with it (doctors, scientists, etc.) are permitted
S

Fig. 3.1: Indian Film Certificates

Functions of CBFC

- **Certification of Films:** One of the primary functions of the CBFC is to certify films prior to their release, ensuring that they comply with established standards and regulations.
- **Age Restrictions:** The CBFC also determines age-appropriate classifications for films, specifying the suitable age groups for viewership.
- **Certification of Foreign and Dubbed Movies:** In addition to certifying domestic films, the CBFC also assesses and certifies foreign films as well as dubbed versions of films in various languages.

Criticism of CBFC

- **Bribery for Certificate:** The CBFC has faced criticism for instances of bribery, where filmmakers allegedly seek to obtain favourable certification through illicit means.
- **Leaking of Movies:** There have been accusations against the CBFC of intentionally leaking movies to unauthorised platforms as a response to criticism directed at the board's functioning.
- **Political Interference:** Critics have accused the CBFC of succumbing to political pressures and acting as an extension of the government, particularly in cases where it opposes films or scenes that are perceived to contradict official viewpoints.
- **Attack on Freedom of Expression:** Filmmakers have raised concerns about the CBFC's imposition of cuts or alterations to films, viewing these actions as violations of their constitutional right to freedom of expression.
- **Lack of Transparency:** Some stakeholders have raised questions about the transparency of the CBFC's certification process, highlighting the need for greater openness and accountability in its operations.

National Consumer Dispute Redressal Commission (NCDRC)

Origin of NCDRC

- The NCDRC was formed in 1988 as a quasi-judicial Commission under the **Consumer Protection Act of 1986.** It is headquartered in New Delhi.

Structure and composition of NCDRC

- The Commission is headed by a sitting or retired Judge of the Supreme Court of India or a sitting or retired Chief Justice of the High Court.
- The act mandates the establishment of Consumer Protection Councils at the Centre, State, and District levels to promote consumer awareness.
- The Minister In-charge of the Department of Consumer Affairs in the Central Government leads the Central Council.
- The act also provides for a 3-Tier Structure, comprising the National Commission, State Commissions, and District Commissions for speedy dispute resolution.

Central Consumer Protection Authority (CCPA)

- **Establishment:** Created in 2020 under the Consumer Protection Act, 2019.
- **Nodal Ministry:** Operates under the Ministry of Consumer Affairs.
- **Composition:** Headed by a Chief Commissioner and two other commissioners focusing on goods and services respectively.
- **Investigation Wing:** Overseen by a Director General.
- **District Collectors' Role:** Empowered to investigate complaints related to consumer rights violations, unfair trade practices, and false advertising

Competition Commission of India (CCI)

Origin

- The CCI, headquartered in New Delhi, was formed in March 2009 under the **Competition Act, 2002** as a statutory body of the Government of India.

Composition

- The CCI is a quasi-judicial body, comprising one chairperson and six additional members, all appointed by the Central Government.

Objective

- To promote fair competition in the economy, ensuring a 'level playing field' for producers and promoting consumer welfare.
- To eliminate anti-competitive practices, promote competition, protect consumer interests and ensure market freedom.

Mandate

- Its mandate is to enforce provisions of the Competition Act, 2002, including:
  - Prohibiting anti-competitive agreements and abuse of dominant position by enterprises.
  - Regulating mergers and acquisitions (M&A) to prevent adverse effects on competition within India.
- It monitors big enterprises to prevent abuse of dominant position, such as controlling supply, setting high purchase prices, or engaging in unethical practices.
- Its role becomes vital in mitigating and regulating the abuse of dominant positions by Multinational Corporations operating in India.

Role of CCI in Containing the Abuse of Dominant Position with Relevant Examples

- **Advisory Role:** Leveraging its expertise, CCI advises the government on competition policy frameworks. It advocates for policy amendments regarding competitive neutrality, ensuring a level playing field for both governmental and private enterprises.
- **Market Studies:** The Commission periodically undertakes detailed market studies to understand the prevalent conditions and designs its regulations accordingly. Eg: CCI examined the burgeoning e-commerce sector in India to pinpoint competition issues.
- **Capacity Building:** CCI recognizes the necessity of capacity building for its personnel. It often collaborates with international competition bodies like the U.S. Federal Trade Commission for workshops, thereby elevating its approach towards handling complex issues with global insights.
- **Consumer Welfare:** In its pursuit to shield consumers from inflated prices and compromised quality, CCI penalised cement companies for forming cartels that drove prices artificially high. This proactive measure protected consumers from unwarranted financial strain.
- **Dispute Resolution:** CCI has facilitated resolution in disputes concerning film releases and unfair tactics employed by cinema halls, thus ensuring that the entertainment sector adheres to principled business practices, maintaining a balance in the industry.
- **Collaboration with Other Agencies:** To enhance its efficacy, CCI collaborates globally with institutions like the European Commission, nurturing a learning ecosystem that aids in combating anti-competitive practices holistically, drawing from a rich repository of global experiences.
- **Public Awareness:** Through initiatives like **"Competition Advocacy and Awareness,"** CCI extends its reach to stakeholders across sectors, imparting knowledge on competition laws and the merits of fair market practices.

Recent Decisions Illustrating CCI's Role

- **Amazon and Flipkart:** It launched a probe into the alleged anti-competitive agreements between e-commerce giants Amazon and Flipkart, and smartphone brands. The focal point here was the exclusive launch of mobile phones on these platforms.
- **Automobile Sector:** CCI embarked on investigations into the practices of several automobile manufacturers, scrutinising their control over the spare parts and services market, a notable case being that against Hyundai Motor India.
- **Telecom Sector:** The telecom sector also came under CCI's scrutiny with a special focus on mergers and acquisitions, aiming to prevent monopolistic tendencies and to foster a competitive environment, safeguarding the consumer interests in terms of pricing and service quality.
- **Real Estate Sector:** The commission delved into the real estate sector, investigating companies over anti-competitive practices. Cases such as those involving DLF have highlighted the need for a level playing field and protecting the interests of homebuyers.
- **Digital Payment Platforms:** CCI's intervention with platforms such as Google Pay and Paytm coming under scrutiny to ensure fair competition and to foster a landscape where various players can operate without undue restrictions, promoting trust in digital transactions
- **Investigative Role:** CCI has a well-structured system for investigating allegations of anti-competitive behaviours. For instance, in 2019, it launched an investigation into Google for allegedly abusing its dominant position in the mobile operating system and relevant markets.
- **Regulatory Oversight:** CCI maintains the competition spirit in corporate mergers and acquisitions. For example: Its inspection of the merger deal between Zomato and Uber Eats, evaluating its repercussions on the competition within the online food delivery sector.

The Competition Commission of India has played a pivotal role in fostering a competitive market environment in India by diligently working to curb abuses of dominant positions by Multinational Corporations. The continuous vigilance of the CCI is crucial in the dynamically evolving market landscape to foster sustainable economic development in India.

National Green Tribunal (NGT)

Origin of NGT

- In the **M.C. Mehta & Anr. Etc vs Union Of India & Ors. Etc (1986)** case, the Supreme Court had suggested the setting up of an environmental court due to the large number of environmental cases piling up and requiring expert scrutiny.
- The NGT was established under the **National Green Tribunal Act 2010.** Its principal place of sitting is New Delhi, with additional sitting places in Bhopal, Pune, Kolkata, and Chennai.

Mandate and Objective of NGT

- The NGT is established to efficiently handle cases concerning environmental protection, conservation of forests, and natural resources.
- It is required to finalise disposal of applications or appeals within six months of filing.

Jurisdiction and Procedure of NGT

- The NGT is empowered to hear appeals as a Court. Further, it is not bound by the procedure under the **Code of Civil Procedure, 1908,** but guided by principles of natural justice.

Benefits of NGT

- **Dedicated Environmental Court:** NGT ensures the enforcement of environmental rights and provides relief and compensation for damages, reducing the burden on High Courts and the Supreme Court.
- **Specialised Expertise:** NGT comprises judges and environmental experts who offer specialised handling of environmental disputes with multi-disciplinary approach. It utilises legal and scientific methods, including assessing environmental impact assessment reports in decision-making.
- **Expanded Accessibility:** With benches in various states, NGT enhances access to justice for all citizens, potentially improving the quality of time dedicated to environmental matters compared to the Supreme Court.
- **Timely Case Resolution:** Mandated to endeavour for the disposal of applications or appeals within six months of filing, NGT ensures time-bound resolution of cases.

Limitations of NGT

- **Jurisdictional Constraints:** NGT's authority does not extend to key acts such as the Wildlife (Protection) Act, 1972, and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, limiting its scope and impeding its effectiveness in addressing critical issues related to forest rights and the environment.
- **Impediment to Progress:** Some decisions made by NGT have been contested due to their potential impact on economic progress and developmental initiatives.
- **Vacancies and Resource Shortage:** NGT faces staffing shortages and insufficient financial resources. This results in a backlog of cases, undermining the tribunal's objective of resolving appeals within six months.
- **Added Complexity to Legal Process:** Despite its intended role in alleviating the burden on higher courts, NGT's effectiveness has been questioned, as highlighted in the Supreme Court's ruling in the L Chandrakumar case. This perception has led to an increase in cases being appealed to the judiciary.
- **Limited Regional Presence:** NGT's presence is primarily concentrated in urban centers, overlooking environmental concerns in tribal regions with dense forests. The lack of regional representation impedes the delivery of justice in these areas.

CONCLUSION

In conclusion, the constitutional framework of governance in India stands as a testament to the nation's commitment to democracy, justice and the rule of law. This framework delineates the roles, powers, and responsibilities of various organs of the state, ensuring a delicate balance of authority and accountability. India's constitutional framework provides mechanisms for checks and balances, safeguards individual liberties, promotes social justice, and promotes inclusive development. However, its efficacy ultimately depends on the integrity of its institutions, the vigilance of its citizens, and the adaptability of its laws to meet the evolving needs of a dynamic society.

Role of Civil Services in Democracy

4

INTRODUCTION

Civil services play an important role in upholding democracy by ensuring efficient governance, implementation of policies, and the delivery of public services. These services are responsible for the execution of government decisions, maintenance of law and order, and the overall administration of the state. The civil services also act as a link between the government and the citizens, facilitating the implementation of various welfare schemes and developmental projects at the grassroots level.

Meaning of Civil Services

Civil services consists of a group of government officials who are employed in positions that serve the citizens of a country. Civil servants, therefore, refer to people who are employed in the public sector by a government department or even an agency for government public sector undertakings. They work not only for the central, but also for the state, as well as local governments.

Civil servants are answerable to the government, not a political party. Civil servants are hired on the basis of their professional merit, rather than being appointed. These civil servants usually have a secure job tenure.

History of Civil Services

The civil services has its origins in ancient China, where it was a system based on the concept of **"Meritocracy".** Meritocracy refers to a system in which individuals are appointed or promoted to political and executive positions based on their merit i.e., abilities and qualifications rather than through nepotism or their social status.

The oldest example of a civil service based on meritocracy can be traced back to ancient China, where the concept of a bureaucracy governed by Confucian principles was implemented during the Qin dynasty (221-207 BC).

Origin of Civil Services in India

Civil services in India have a long history that dates back to ancient times. This system has evolved over the centuries to take the shape of the modern form of bureaucracy that we see today.

Civil Services in the Mauryan Period

Kautilya's Arthashastra sheds light on the kind of civil administration in the Mauryan period. The **'Saptang theory (seven organs)'** of administration involves its basic elements vis-a-vis, the Swamin, Janapada, Amatya, Kosa, Durga, Danda, and Mitra.

Civil Services in the Medieval Period

In the medieval period, the Mansabdari system was created by the Mughals. The system aimed to create officials who could be put to use for both civilian and military purposes.

Civil Services During the British Rule

During the pre-independence period, the British introduced a systematic and hierarchical bureaucracy known as the Indian Civil Services to efficiently govern India. Its origin and evolution can be understood through the following:

- **Cornwallis, the Governor General of Bengal** (1786-93) was the first person responsible for establishment and organisation of civil services in India. His primary aim was to check corruption, prevent private trade, and strict enforcement of promotions through seniority.
- In 1800, **Wellesley,** the then **Governor General of Bengal** tried to set up Fort William College for the training of the company's recruits for its services. His decision was however, turned down by the directors of the East India Company. The training of civil servants was then conducted at the East India College at Haileybury, in England.
- The **Charter Act of 1853,** ended the East India Company's patronage in the selection and appointment of civil servants. It established a modern meritocratic system of civil services following Lord Macaulay's Report to the British Parliament.
  - The Committee recommended that the patronage based system of the British East India company should be abolished and replaced by a permanent civil service based on meritocracy.
  - The Civil Service Commission was therefore set up in 1854 in London, and competitive examinations were started in 1855 that were held only in London.
  - The maximum age limit for a civil servant was 23 years. This was done to discourage and exclude Indians from becoming part of the highly paid and prestigious civil services.
  - However, after the 1857 revolt, the British proclamation of 1858 declared the intention of the British to include Indians freely and impartially in civil services.
- To adopt the recommendations of **Lord Macaulay,** the British Parliament introduced the Indian Civil Services Act, 1861.
  - The legislation reserved specific offices for **covenanted civil servants.** However, examinations

took place in England, centred on the English language and classical learning in Greek and Latin.
    - Notably, the maximum age limit saw a progressive reduction from 23 in 1855 to 19 in 1878.
- In 1878–79, **Lord Lytton** implemented the Statutory Civil Service, allocating one-sixth of covenanted posts to be filled by individuals from prominent Indian families. However, the system faced shortcomings, leading to its eventual abolition.
- The **Montford reforms of 1919** emphasised on inclusion of a greater number of Indians in the public services. It also recommended the holding of the exam simultaneously in India and England.
- The **Lee Commission Report of 1924** recommended the establishment of a Public Service Commission with immediate effect as per the Montford reforms.
- The **Government of India Act, 1935** recommended the establishment of a Federal Public Service Commission for the federation and a Provincial Public Service Commission for each province or group of provinces.

Despite Indians making inroads into the Indian Civil Services (ICS) from 1864 onwards, their access was limited to fewer positions. Europeans predominantly held high-powered, well-compensated positions, hindering Indian representation. While a gradual Indianisation process unfolded post-1918 due to nationalist demands, significant senior roles continued to be under European occupation.

Civil Services Post-Independence

Over time, the civil services in India have undergone significant transformations, with the focus shifting from colonial governance to meeting the needs and demands of an independent nation.

- Following the commencement of the Indian Constitution on January 26, 1950, the Federal Public Service Commission underwent a name change to become the Union Public Service Commission (UPSC).
    - As per Clause (1) of Article 378 of the Constitution, the Chairman and Members of the Federal Public Service Commission automatically became the Chairman and Members of the Union Public Service Commission.
    - The UPSC has been assigned the responsibility to conduct examinations for the selection of civil servants.
- Article 312 of the Constitution empowers the Rajya Sabha (Upper House) to establish new All India Services as and when required.

NEED OF CIVIL SERVICES IN PUBLIC ADMINISTRATION

Civil services play a crucial role in public administration, serving as the backbone of governance in a democracy. The need for a dedicated civil service arises from the complexity and diversity of tasks involved in governing a nation. The civil services therefore serve several functions, such as:

- **Ensure continuity and stability of governance:** The Civil services provide stability to the administrative machinery by offering continuity of governance, as well as government policies irrespective of changes in political leadership.
    - This stability is essential for the smooth functioning of a democracy. For instance, the Indian Administrative Service (IAS) in India has been instrumental in maintaining administrative continuity through various political regimes.
- **Bring in Expert Talent and Ensure Specialisation:** One of the key functions of civil services is to bring in expertise and specialisation into the administration.
    - Through competitive exams like the UPSC Civil Services Exam, individuals with diverse educational backgrounds and skills are selected. This diversity allows for a more comprehensive approach to problem-solving. For example, experts in finance, law, and public policy contribute to well-rounded decision-making.
    - In the United States for example, the Federal Reserve System is staffed with economists, bankers, and financial experts recruited through a competitive process. This ensures that monetary policy decisions are made by individuals with a deep understanding of economic principles, contributing to the overall stability of the economy.
- **Ensure Impartiality and Non-Partisanship in Administration:** Civil servants are expected to be impartial and non-partisan, focusing on the welfare of the citizens rather than aligning with any specific political ideology. This neutrality is crucial for maintaining the credibility and trust of the public in the administration.
    - The Singapore Civil Service is often cited as an example of a non-partisan and efficient bureaucracy that has played a vital role in the country's development.
- **Look at the Bigger Picture, Along With Adapting to Unique Local Demands:** Civil services act as a bridge between the central government and local communities, adapting national policies to the unique needs of different regions. This adaptability is vital for addressing the diverse challenges faced by a nation.
    - The Indian Administrative Service (IAS), for instance, operates at both central and state levels, allowing for the customization of policies based on local requirements.
    - The implementation of the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) in India involves local administrative bodies tailoring the program to suit the employment needs of rural areas, showcasing the importance of decentralisation in civil services.

- **Ensure Efficiency and Accountability of Administration:** Civil services contribute to the efficiency of governance by ensuring the implementation of policies in a timely and effective manner. Additionally, civil servants are accountable for their actions, and mechanisms are in place to address instances of misconduct.
  - The United Kingdom's Civil Service, with its emphasis on meritocracy and accountability, serves as a model for effective and efficient public administration.

PERSPECTIVES ON BUREAUCRACY

Hegelian Perspective

- **Organic Integration:** G.W.F. Hegel viewed bureaucracy as an integral part of the state, emphasising its role in maintaining order and facilitating the realisation of the state's objectives. Bureaucracy, according to Hegel, is an organic component contributing to the holistic functioning of the state.
- **Hierarchical Structure:** Hegel advocated for a hierarchical structure within bureaucracy, aligning with his broader philosophy of hierarchical relationships in society. He believed that a well-organised bureaucracy with clear authority lines would ensure effective governance.

Weberian Perspective

- **Rationalisation and Efficiency:** Max Weber's perspective on bureaucracy is characterised by the principles of rationalisation and efficiency. He argued for a bureaucratic organisation based on clear rules, division of labour, and a hierarchical structure, aiming to achieve the most efficient and predictable functioning of institutions.
- **Hierarchy and Authority:** Weber emphasised the importance of hierarchy and authority within bureaucratic organisations. According to Weber, maintaining order and making sure that those with the necessary knowledge made judgements required clear lines of power and a rigorous chain of command.
- **Impersonality and Meritocracy:** Weber stressed the need for bureaucratic decisions to be impersonal and based on merit. Bureaucratic appointments, according to Weber, should be made based on qualifications and competence rather than personal connections or favouritism.
- **Rules and Procedures:** Bureaucracy, for Weber, relies on formal rules and procedures. These rules provide a framework for decision-making and actions, reducing ambiguity and ensuring a standardised approach to governance.
- **Ideal Type of Bureaucracy:** Weber outlined the characteristics of an ideal type of bureaucracy, including specialisation, a clear hierarchy, formal rules, impersonality, and career advancement based on merit. This ideal type served as a benchmark for evaluating the efficiency and effectiveness of bureaucratic organisations.

Marxian Perspective

- **Instrument of Class Domination:** Marx viewed bureaucracy as an instrument of class domination, serving the interests of the ruling class. Bureaucratic structures, according to him, perpetuate the existing social and economic inequalities by enforcing the will of the bourgeoisie.
- **Alienation and Exploitation:** Marx argued that bureaucracy contributes to the alienation of workers as it separates them from the decision-making process. Bureaucrats, in his view, exploit the labour force to maintain the capitalist system, reinforcing class divisions.
- **State as an Apparatus of Repression:** Bureaucracy, within the framework of the state, becomes an apparatus of repression, enforcing the will of the ruling class. Marx's perspective underscores the idea that bureaucratic structures are not neutral but inherently serve the interests of those in power.

IGNITE YOUR MIND

Considering the evolving demands of the 21st century, how can the traditional bureaucratic structures adapt to ensure they remain efficient and responsive, rather than becoming impediments to innovation and public service delivery in an increasingly complex and fast-paced world?

Sardar Vallabhbhai Patel's Perspective on Bureaucracy

Sardar Vallabhbhai Patel, often hailed as the **"Iron Man of India",** coined the phrase **"Steel Frame of India"** to describe the Indian Civil Services. This characterisation firmly captures Patel's belief in the indispensability of bureaucracy as the sturdy foundation essential for the nation's stability, governance, and development.

- **Integration of Princely States:** Patel played a pivotal role in integrating princely states into the Indian Union after independence. His perspective on bureaucracy emphasised its role in this monumental task, ensuring a smooth and cohesive transition by aligning the administrative machinery with the newly formed nation.
- **Administrative Efficiency:** Patel valued administrative efficiency and believed in a strong and capable bureaucracy to address the challenges of nation-building. He emphasised the need for administrative reforms to streamline processes and promote good governance.
- **Law and Order:** As the first Deputy Prime Minister and Home Minister of India, Patel had a keen focus on

maintaining law and order. He believed that a strong and disciplined bureaucracy was essential for ensuring internal security, especially during the challenging period of partition and the aftermath.

- **Unity and Integrity:** Patel's perspective on bureaucracy was rooted in the principles of unity and integrity. He saw the bureaucracy as a key instrument in maintaining the unity of a diverse nation, ensuring that administrative decisions were made in the interest of the entire country.

Jawaharlal Nehru's Perspective on Bureaucracy

- **Instrument of Planned Development:** Nehru viewed bureaucracy as an instrument for implementing planned development in post-independence India. The Five-Year Plans and other socio-economic initiatives were executed through the administrative apparatus, with the bureaucracy playing a central role in shaping the nation's economic trajectory.
- **Technocratic Approach:** Nehru adopted a technocratic approach to governance, relying on expertise and scientific planning. The bureaucracy in his view, needed to possess technical skills and knowledge to implement the ambitious industrial and economic policies outlined in the pursuit of modernization.
- **Socialist Values:** Nehru's vision for bureaucracy was aligned with socialist values. He emphasised the role of the state in steering economic development and social justice, with the bureaucracy serving as the executor of policies designed to reduce socio-economic disparities.
- **Democratic Governance:** While Nehru acknowledged the importance of a strong bureaucracy, he also advocated for democratic governance. The bureaucracy in his view, should operate within the framework of democracy, respecting the rights and aspirations of the citizens.

CHARACTERISTICS OF CIVIL SERVICES IN PUBLIC ADMINISTRATION

The characteristics of civil services in public administration include meritocracy, professionalism, impartiality, hierarchy, adherence to rules, adaptability, public service orientation, and accountability. These characteristics collectively define the ethos of civil services, ensuring efficient governance and the delivery of public services. The following examples highlight the practical nature of these characteristics in different civil services systems worldwide:

- **Meritocracy and Competitive Exams:** One of the defining characteristics of the civil service is the emphasis on meritocracy. Recruitment is typically based on competitive exams that assess the knowledge, skills, and aptitude of candidates. The Union Public Service Commission (UPSC) in India conducts such exams, ensuring that individuals with the best qualifications and abilities enter the civil service.
- **Professionalism and Expertise:** Civil servants are expected to exhibit a high degree of professionalism and possess expertise in their respective domains. Whether it's the diplomatic skills of an Indian Foreign Service officer or the technical knowledge of an engineer in a public works department, civil servants bring specialised skills to the table. This characteristic ensures that governance is driven by individuals with the necessary competence.
- **Impartiality and Political Neutrality:** Political neutrality is a crucial characteristic of civil services. Civil servants are expected to serve the government of the day, regardless of their personal political beliefs. Impartiality ensures that public policies are implemented objectively, contributing to the overall credibility of the administration.
- **Transparency and Openness:** Civil services strive to maintain transparency in their operations, making information accessible to the public.
  - For instance, **Sweden's principle of "offentlighetsprincipen"** (the principle of public access to information) ensures that government documents are accessible to the public by default, promoting transparency and accountability.
- **Hierarchy and Chain of Command:** Civil services often have a hierarchical structure, establishing a clear chain of command. This structure helps in the efficient execution of tasks and facilitates communication within the organisation. The administrative hierarchy in civil services allows for the delegation of responsibilities and ensures that decisions are made at appropriate levels.
- **Bureaucratic Procedures and Rules:** Civil services are characterised by bureaucratic procedures and adherence to rules and regulations. This ensures consistency and transparency in decision-making. While bureaucracy is often criticised for its perceived red tape, well-defined procedures are essential for fair and accountable governance.
- **Adaptability and Innovation:** Civil services need to be adaptable to changing circumstances and innovative in addressing emerging challenges. The ability to adopt new technologies, respond to societal changes, and find creative solutions to complex problems is crucial for the effectiveness of civil services in public administration.
  - For example, the Singaporean civil service has been praised for its adaptability and innovation, as it embraces digital technologies to enhance public service delivery.
- **Public Service Orientation:** A commitment to public service is a core characteristic of civil servants. Their primary duty is to serve the public interest, ensuring the welfare of citizens. This orientation requires civil servants

to prioritise the needs of the community over personal or sectional interests.

- For example, the dedication of healthcare professionals in the civil service during the COVID-19 pandemic exemplifies the public service orientation. Their tireless efforts to safeguard public health underscore the selfless nature of the civil service.

- **Accountability and Ethical Conduct:** Civil servants are accountable for their actions and are expected to adhere to high ethical standards. Mechanisms for accountability, such as performance evaluations and disciplinary procedures, help maintain integrity within the civil service.
- **Crisis Management and Resilience:** Civil services must exhibit resilience and efficiency in times of crisis. The ability to manage emergencies, whether natural disasters, pandemics, or other crises, is a critical characteristic.
  - For example, Japan's Administrative Evaluation Bureau coordinates crisis management efforts, drawing lessons from past events like the Great East Japan Earthquake, and showcasing a commitment to resilience and effective crisis response.

CIVIL SERVICES IN INDIA

The Civil services in India form the backbone of the nation's administrative machinery, playing a key role in shaping governance and policy implementation. Established to serve the diverse needs of a vast and complex nation, the civil services include the prestigious Indian Administrative Service (IAS), Indian Police Service (IPS), and Indian Foreign Service (IFS), among others.

Constitutional Framework of the Civil Services in India

Articles 308 to 323 in Part XIV of the Constitution (titled: **'Services under the Union and the States'**) address issues concerning services at both the Union and state levels. Articles 308 to 313 specifically cover aspects of public servant recruitment, dismissal, service conditions, and constitutional protection. Articles 315 to 323 focus on the establishment and functioning of Public Service Commissions for both the Union and the states.

Recruitment and Training

The selection of civil servants in India is a multi-layered process, involving various examinations and commissions. Here's a breakdown:

- **Types of Services**
  - **All India Services (AIS):** These prestigious services, including the Indian Administrative Service (IAS), Indian Police Service (IPS), and Indian Forest Service (IFS), are recruited by the Union Public Service Commission (UPSC).
  - **Central Civil Services (CCS):** These services cater to various ministries and departments under the central government. Recruitment happens through the UPSC too.
  - **State Civil Services:** Each state has its own Public Service Commission (PSC) responsible for recruiting officials for their administrative, judicial, and other services.
- **Examination Process**
  - **UPSC Civil Services Exam (CSE):** This rigorous three-stage exam (prelims, mains, and interview) is the gateway to AIS and CCS. Each stage tests different skills and knowledge.
  - **State PSC Exams:** Each state conducts its own exam, similar in structure to the UPSC CSE but tailored to their specific needs.
- **Eligibility**
  - Candidates must be Indian citizens, graduates, and within a specific age range.
  - Specific educational qualifications may be required for certain services.

Training Programs for Civil Servants in India

Training plays a key role in shaping the capabilities and competencies of civil servants in India, ensuring they are well-equipped to meet the dynamic challenges of governance. These programs are designed not only to impart knowledge but also to instill values, ethics, and a deep understanding of the public service ethos.

- **Foundational Training at LBSNAA:** The Lal Bahadur Shastri National Academy of Administration (LBSNAA) conducts a common Foundation Course (FC) introducing civil servants to constitutional principles, governance structures, and ethical conduct.
- **Specialized Training Academies:** Civil servants proceed to specialised academies based on their services (e.g., IAS, IPS) for domain-specific training tailored to their roles and responsibilities.
- **Role of State Training Institutes:** State Institutes of Public Administration and Rural Development offer state-specific training, addressing regional governance dynamics and policies.
- **Mid-Career Training:** Institutions like the National Institute of Administrative Research (NIAR) provide advanced programs focusing on strategic management and leadership skills for mid-career civil servants.
- **International Exposure Programs:** Some training programs include international exposure through study tours and collaborative initiatives, enriching civil servants' understanding of global best practices.
- **Technology Integration:** Training programs integrate technology with e-learning modules and virtual classrooms, ensuring civil servants are adept at leveraging technology for governance.

- **Soft Skills and Leadership Development:** Training encompasses soft skills and leadership development, including communication and team management, nurturing qualities essential for effective leadership.
- **Continuous Learning:** Civil servants engage in workshops, seminars, and conferences throughout their careers to stay updated on emerging issues and global trends, fostering adaptive and responsive governance.
- **Evaluation and Feedback Mechanism:** Training programs incorporate robust evaluation mechanisms to continuously improve methodologies and align with evolving public service demands.

Structure of Civil Services in India

All India Services: IAS, IPS, IFS

- **Indian Administrative Service (IAS):** The IAS is the premier administrative service in India. IAS officers are responsible for the administrative functions of the government, handling policy formulation, implementation, and overseeing various government departments.
- **Indian Police Service (IPS):** IPS officers are entrusted with maintaining law and order. They play a critical role in managing the police forces at the state and central levels, ensuring public safety, and combating crime.
- **Indian Forest Service (IFS):** IFS officers are engaged in the conservation and sustainable management of forests, wildlife, and environmental resources throughout India.

Central Services: Overview of key services like IRS, IES, IFS, etc.

- **Indian Foreign Service (IFS):** The IFS deals with India's foreign affairs and diplomacy. IFS officers represent India in international forums, negotiate treaties, and promote diplomatic relations with other countries.
- **Indian Revenue Service (IRS):** IRS officers manage the country's revenue and taxation systems. They work in areas such as income tax, customs, and central excise, contributing significantly to the economic governance of the country.
- **Indian Engineering Services (IES):** IES officers are responsible for managing and implementing engineering projects in various government departments. They play a crucial role in infrastructure development and technical governance.
- **Other Central Services:** Several other central services cater to specific domains, such as the Indian Economic Service (IES), the Indian Statistical Service (ISS), and more. These services bring expertise in economic and statistical analysis, contributing to evidence-based policy formulation.

Issues with Civil Services in India

- **Bureaucratic Red tape:** One of the primary issues plaguing the Indian bureaucracy is the red tape and slow decision-making process. This bureaucratic hurdle contributes to delays in decision-making, hindering the timely execution of policies and projects.
- **Inefficiency and Bottlenecks:** The extensive paperwork, layers of approvals, and cumbersome processes create bottlenecks, resulting in inefficiency. The sad state of affairs often leads to frustration among citizens, businesses, and policymakers.
- **Opaque Mechanisms:** Accountability mechanisms within the bureaucracy often lack transparency, allowing instances of corruption and misconduct to go unchecked. The absence of clear and robust oversight contributes to a culture of impunity.
- **Corruption and Nepotism:** Corruption remains a pervasive issue, with reports of bribery, nepotism, and other unethical practices tarnishing the bureaucracy's image. The lack of stringent consequences for malfeasance further exacerbates the accountability crisis.
- **Compromised Autonomy:** Political interference poses a significant challenge to the autonomy of the bureaucracy. Bureaucrats frequently find themselves navigating pressures to align decisions with political objectives, compromising the impartiality and effectiveness of public administration.
- **Undermining Meritocracy:** The influence of political considerations in bureaucratic appointments and transfers undermines the meritocratic principles that should guide administrative processes. This interference can result in the placement of officials based on loyalty rather than competence.
- **Lack of Diversity and Inclusivity:** The bureaucracy in India struggles with the underrepresentation of marginalised communities and women. The prevalent bias in recruitment and promotion processes perpetuates a homogenous administrative landscape, limiting diverse perspectives.
- **Inequality in Opportunities:** Structural barriers and biases in recruitment processes contribute to unequal opportunities. The bureaucratic apparatus often reflects societal inequalities, failing to adequately represent the diverse demographics of the country.

IGNITE YOUR MIND

How does the structure of civil services in India, with its legacy of colonial origins and hierarchical setup, impact its ability to meet the contemporary challenges of governance, inclusivity, and efficiency?

- **Technological Inertia:** A resistance to change and a slow pace of technological adoption characterise the bureaucratic landscape. The reluctance to embrace modern technologies hampers efficiency, hindering the potential benefits of digitization.

- **Cultural Inertia:** A deeply ingrained traditional mindset prevails within the bureaucracy, resisting cultural and procedural shifts. This inertia poses a challenge to implementing reforms that could streamline processes and enhance service delivery.

Balancing Centralization and Decentralisation

- **Centralization Challenges:**
  - **Concentration of Power:** Centralization often leads to a concentration of power within a few bureaucratic chambers, limiting the autonomy of lower-tier administrators.
    - For example, centralised decision-making in the implementation of the Goods and Services Tax (GST) in India led to a concentration of tax administration powers at the central level, impacting the autonomy of state tax authorities.
  - **Lack of Local Context Understanding:** The concentration of power in upper level bureaucracy and the top-down approach leading to 'one-size-fits-all' policies can result in delayed responses to local issues and limit the adaptability of policies to diverse regional needs.
    - For example, Centralised agricultural policies might not consider the specific climatic and soil conditions of different states, leading to ineffective strategies for addressing local agricultural challenges.
  - **Overburdened Central Agencies:** The central bureaucracy may become overburdened leading to delays, inefficiencies, and bureaucratic red tape. The inability to manage the multitude of tasks can result in decreased overall governance effectiveness.
    - For example, central agencies managing nationwide public health initiatives may face challenges in coordinating responses, leading to delays in addressing health emergencies such as the COVID-19 pandemic.
- **Decentralisation Challenges:**
  - **Lack of Standardization:** While decentralisation empowers local administrations, it may lead to a lack of standardised processes and policies across regions. Inconsistencies in governance approaches can create confusion, hampering efforts to achieve uniform development goals.
  - **Capacity and Capability Disparities:** Not all local administrations possess the same capacity and capability to handle decentralised powers effectively. Disparities in administrative skills and resources may result in unequal outcomes, exacerbating regional inequalities and hindering overall development.
  - **Risk of Localised Corruption:** Decentralisation can increase the risk of corruption at the local level due to weaker oversight mechanisms. The absence of robust accountability measures may make it easier for local officials to engage in corrupt practices without adequate scrutiny.
    - For example, decentralisation of procurement processes may lead to corruption at the local level, where officials could manipulate contracts without adequate oversight, as witnessed in some local infrastructure projects.
- **Striking the Right Balance:**
  - **Need for Flexibility:** Achieving a balance between centralization and decentralisation requires a flexible approach that acknowledges the unique requirements of different sectors and regions. A rigid adherence to either extreme can result in suboptimal governance outcomes.
    - For example, the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) allows states flexibility in planning and implementing rural employment schemes, ensuring adaptation to local needs while adhering to national guidelines.
  - **Empowering Local Governance:** Effective decentralisation involves empowering local governance structures with the authority to address issues that directly impact their communities. This empowerment should be coupled with capacity-building initiatives to ensure that local bodies can exercise their powers responsibly.
    - For example, the 73rd and 74th Amendments to the Constitution empower local bodies (panchayats and municipalities) by devolving powers and responsibilities, aiming to enhance grassroots governance.
  - **Central Oversight for Accountability:** While devolving powers to local bodies, maintaining a robust central oversight mechanism is essential. This ensures accountability, transparency, and adherence to broader national goals while allowing for local customization.

The Generalist vs Specialist Debate

Aspect	Generalist Bureaucracy	Specialist Bureaucracy
Roles and Responsibilities	Versatility in roles, adaptability across various administrative areas.	In-depth focus on specialised roles with deep domain expertise.
Leadership Positions	Assumes leadership positions at higher administrative levels.	Expert advisors in specific domains may face challenges in leadership roles requiring diverse skills.

Aspect	Generalist Bureaucracy	Specialist Bureaucracy
Decision-Making	Broad administrative perspective, contrib-uting to holistic policy development.	Specialised knowledge for evidence-based decision-making in specific fields.
Training Programs	Comprehensive training programs, like those at LBSNAA, to develop a broad skill set.	Domain-specific training to excel in technical and specialised roles.
Adaptability Challenges	May face challenges in specialised technical roles requiring deep domain knowledge.	Necessitates adaptability to the rapidly evolving governance landscape.
Strategies for balance	Rotational postings, inter-service collabo-ration, and flexible recruitment policies.	Emphasises flexibility, collaboration, and opportunities for rotational roles to balance expertise.

Steps Taken to Reform Civil Services in India

The Indian government has implemented several strategic measures to reform the civil services, aiming to enhance efficiency, transparency, and adaptability. Key initiatives include:

Administrative Reforms Commission (ARC)

The Administrative Reforms Commission (ARC) plays a key role in shaping and refining the civil service in India. Established with the objective of reviewing and recommending improvements in the administrative setup, the ARC has undergone multiple iterations to address evolving challenges.

Examples of key committees and their recommendations regarding civil service in India.

- **First ARC (1966):** Headed initially by Morarji Desai and later by K. Hanumanthaiah.
  - Recognized the need for specialisation in government functions, leading to the formulation of a selection method for senior management posts in both functional and non-functional areas. Focused on lateral entry to technical posts at the senior level, aiming to bring in expertise from various domains.
- **Second ARC (2005):** Constituted in 2005, it was chaired by Veerappa Moily. Its key recommendations include:
  - **Restructuring the Civil Services Examination:**
    - Conducting Preliminary and Main Examinations together on consecutive days or shortlisting candidates based on Preliminary results.
    - Inducting officers of the State Civil Services into the IAS through a common examination.
  - **Mandatory Training and Capacity Building:**
    - Mandatory training at the induction stage and periodically throughout a government servant's career.
    - Implementation oversight of the National Training Policy (1996) through a monitoring mechanism.
  - **Accountability and Anti-Corruption Measures:**
    - Suggested Code of Ethics for civil servants.
    - Amendments to protect honest civil servants from malicious prosecution and harassment.
    - Establishment of Lokpal and Lokayuktas for complaint redressal.
  - **Performance Appraisal and Promotion:**
    - Shift from the Annual Confidential Report (ACR) to performance assessment.
    - Emphasis on objective assessment against agreed upon work plans for promotions.
  - **Decentralisation and Citizen-Centric Governance:**
    - Shifting focus from governance to effective governance with decentralisation.
    - Viewing civil society organisations and the private sector as partners in governance.
- **Kothari Committee (1976):** The Committee recommended a sequential system for civil service examinations. The committee believed that the quality of candidates would progressively improve through stages. This innovative approach led to a three-stage examination process: a Preliminary examination with an objective type format covering Optional and General Studies, a Main examination with 9 written papers, and a concluding Personality Test.
- **Satish Chandra Committee (1989):** In 1989, the Satish Chandra Committee was tasked with suggesting reforms to the existing Civil Services Examination pattern proposed by the Kothari Committee. While retaining the essence of the Kothari model, the Satish Chandra Committee recommended minor adjustments. Notably, an 'Essay' paper was introduced, and the marks allocated for the interview were enhanced.
- **Y.K. Alagh Committee (2001):** With a vision for comprehensive re-shaping and re-structuring, the committee proposed significant changes to the Civil Services Examination. This forward-looking approach aimed at aligning the economic and administrative apparatus of the government with the evolving demands of the contemporary era.
- **Hota Commission (2004):** The Hota Committee, officially known as the Committee on Review of Mechanisms for Civil Services Examinations, was constituted by the Government of India. It made several recommendations which include:

- Reforming the civil service examination to introduce domain specialisation.
- Reducing the weightage of the General Studies paper in the civil service examination and putting more emphasis on specialised subjects.
- Raising the age limit for the civil service examination from 28 years to 30 years.

- **Khanna Committee (2010):** The Civil Services Aptitude Test (CSAT) was introduced in 2010 after the recommendations of the Khanna Committee. However, this exam was reduced to the nature of just a qualifying exam after protests from Hindi medium students.
- **Baswan Committee (2016):** The Committee recommended the reduction of the upper age limit for general category candidates to be brought down to 26 years from 32 years at present.

Lateral Entry Reforms

Lateral entry in civil services refers to the recruitment of individuals from outside the traditional bureaucratic channels into senior positions within the government. Unlike the conventional path of entering through competitive exams like the Civil Services Examination (CSE), lateral entry seeks to infuse specialised skills, expertise, and fresh perspectives into the administrative machinery. The benefit of lateral entry into bureaucracy can be seen from the following:

- **Specialized Knowledge and Governance Complexity:** Governance complexities demand specialised skills which generalist officers often lack. For instance, the rise of data dominance necessitates expertise in data management.
- **Filling Administrative Gaps:** With a shortage of approximately 1500 IAS officers, lateral entry becomes instrumental in bridging the deficit and maintaining efficient administrative roles.
- **Cultural Transformation:** Lateral entry addresses issues like red-tapism and status-quoist attitudes prevalent in the government sector, promoting values of economy, efficiency, and effectiveness.
- **Participatory Governance:** Recognizing the trend of governance becoming more participatory, lateral entry offers the private sector and non-profits opportunities to actively participate in the governance process. Example: Nandan Nilekani , co-founder of Infosys, headed the Unique Identification Authority of India(UIDAI)

Other initiatives

- **Mission Karmayogi:** As part of the National Programme for Civil Services Capacity Building (NPCSCB), it aims to address citizen needs through competency-driven capacity building, as well as recognizing the crucial role of a skilled government workforce in meeting evolving requirements.
- **Performance Management and Appraisal System (PMAS):** Introducing a holistic assessment system with a 360-degree review that involves feedback from peers, subordinates, and superiors.
- **Pro-Active Governance and Timely Implementation (PRAGATI) 2.0:** Launched in 2015, it serves as a multi-modal system enhancing e-transparency and e-accountability, leading to real-time communication among stakeholders and efficiently reducing inter-departmental communication gaps for quicker project and scheme implementation.
- **Centralised Public Grievance Redress and Monitoring System (CPGRAMS):** CPGRAMS is a 24x7 online platform for citizens to register grievances related to service delivery, offering role-based access to all Ministries/ Departments and providing tracking, appeal, and feedback mechanisms.
- **MyGov Portal:** It allows citizens to actively participate in governance-related discussions and initiatives by providing feedback on services and suggesting improvements.
- **Gram Swaraj Abhiyan:** It aims at securing decentralised administration by empowering local bodies and promoting participatory decision-making at the grassroots level.
- **Citizen Charters:** A Citizen Charter is a comprehensive document that signifies an organisation's dedication to its citizens, outlining standards in services, choice, and grievance redress.
  - Emphasising citizens as customers it ensures responsiveness in public services, encompassing the organisation's vision, mission, and strategies.
  - While not legally enforceable, this concept aims to enhance citizen-friendly governance.
  - The Citizens' Charter initiative seeks continuous improvement in public services and is part of a broader legislative effort, as demonstrated by the Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011.

Reforms Required in Civil Services

The civil services remain the backbone of administration and policy implementation in India. However, the changing dynamics of governance coupled with public expectations mean that the civil services need progressive reforms to enhance their capacity and performance. Therefore, the following reforms can be implemented to ensure an effective bureaucracy in the country.

- **Streamline Recruitment Process:** Reduce the duration of the Civil Services Examination (CSE) process by simplifying stages and producing the results of various stages in a timely manner. The **Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice** said in a report tabled in Parliament in 2023, that the UPSC should take steps to reduce the duration of the recruitment cycle significantly without compromising the

quality. It also emphasised that no recruitment process should take more than six months.

- **Introduce Skill-Based Assessment:** Skill-based courses such as aptitude and leadership tests may be introduced for the selection of candidates. Further, probationers could be allowed one month's time post-commencement of their training in order to exercise their option for services as per the **Hota Committee Report.**
- **Reduce the Upper Age Limit for General Candidates:** Implement the **Baswan Committee's** recommendation to lower the upper age limit for the General category in the CSE, while carefully considering potential legal challenges and ensuring a balanced approach.
- **Impose Limits on Exam Attempts:** Impose a reasonable limit on the number of attempts allowed for all categories to encourage timely preparation, promote younger talent, and reduce over-reliance on coaching institutes.
- **Modernise Training at LBSNAA:** Update the training curriculum at Lal Bahadur Shastri National Academy of Administration (LBSNAA) to equip officers with contemporary skills and knowledge, incorporating field exposure and training of new and emerging technologies that could be leveraged in governance, such as Blockchain and Artificial Intelligence (AI).
- **Address Shortage of Officers:** A shortage of nearly 1,500 IAS officers across the country needs to be addressed. There's a need to increase intake and ensure fast-track recruitment of officers.
- **Promote Lateral Entry:** Introduce a well-defined system for lateral entry at senior levels to leverage specialised expertise from diverse fields, the **2nd ARC (2005),** for instance, recommended lateral entry at both the Central and state levels through an institutionalised and transparent process.
  - **Restructure Compensation Packages:** The pay parity in the public sector should be able to match that of the private sector at higher levels. This is important to attract and retain top talent, as is seen in the current government's lateral entry recruitments at the Joint Secretary level.
- **Improve Performance Appraisal System:** The current Annual Performance Appraisal Reporting (APAR) system lacks objectivity. Therefore, a 360 degree feedback from multiple stakeholders can help in assessing the credentials of a civil servant much more objectively.
- **Ensure Time-Bound Grievance Redressal:** Establish stricter timelines for resolving public grievances filed against civil servants and ensure transparent communication throughout the process through the use of initiatives such as **Sevottam Model proposed by 2nd ARC.**
- **Accelerate E-Governance Adoption:** Promote wider use of technology in service delivery across various departments to improve efficiency, reduce corruption opportunities, and enhance the citizen experience.
- **Conduct Regular Cadre Reviews:** Undertake periodic assessments of cadre allocation and management to optimise resource utilisation, address regional imbalances, and ensure career progression opportunities for all officers.
- **Encourage Inter-State Cadre Exchange:** Implement programs for inter-state movement of officers at various levels to broaden their perspectives, promote national integration, and promote cross-cultural understanding.
- **Address Underrepresentation of Women in the Bureaucracy:** Increase participation from disadvantaged groups and minorities in the CSE through targeted outreach programs, reservation policies, and mentorship initiatives.
  - For instance, in 1970, a meagre 9% of new IAS recruits were women. Even though this proportion has now risen to 31% in 2020 among the new recruits, only 21% of the currently serving IAS officers are women.
- **Introduce Fixed Tenure for District Collectors:** Consider a fixed tenure system for district collectors to strike a balance between continuity and fresh perspectives. District Collectors, who are often described as the 'face of Indian bureaucracy' suffers from frequent transfers and undue political interference. This impacts the performance and continuity of governance policies at the district level.
  - The **2nd ARC** recommended a minimum fixed tenure of 3-5 years for district collectors to enable them to effectively implement development plans based on local needs.
- **Review Transfer Policies:** Frequent arbitrary transfers affect continuity. Therefore, transfers must have tenure guarantees with fixed minimum tenures.
- **Increase Retirement Age:** The retirement age could be increased to 62 years in order to retain experienced talent if they are still capable of working.
- **Strengthen Internal Accountability Mechanisms:** Empower internal vigilance and whistleblower protection mechanisms to effectively address misconduct and promote ethical conduct within the civil service.
- **Ensure a Better Political-Executive Interface:** Politicisation and political interference in transfers and postings have been seen as impediments by experts. Therefore, various Supreme Court (SC) rulings have prohibited arbitrary interference. This ruling of SC, however, needs enforcement.
- **Implement Sensitization Training:** Equip officers with unconscious bias training and sensitise them towards diverse identities and backgrounds to promote inclusivity and equitable treatment for all citizens.
- **Enhance Community Engagement and Interaction With Civil Society:** Facilitate regular interaction and feedback mechanisms between civil servants and the public to improve responsiveness, enhance trust, and ensure citizen participation in governance.

These reforms, when implemented in letter and spirit, will go a long way in improving last-mile service delivery, implementation efficiency and responding effectively to emerging challenges that call for whole-of-government approaches.

IGNITE YOUR MIND

What comprehensive reforms are needed in civil services to address the evolving demands of governance, technology, and societal expectations, and how can these reforms foster a more agile, transparent, and accountable bureaucracy capable of driving sustainable development?

CONCLUSION

In conclusion, civil services play a vital role in a democracy, serving as the **foundation of effective governance.** They are essential for implementing policies, delivering crucial services, and upholding democratic values. Their importance in maintaining a balance between stability and responsiveness with a focus on transparency, accountability, and serving the citizens is also seen in this regard.

It is therefore imperative to embrace adaptability, technology, and ethical governance for civil services to meet the evolving demands of democracies. Ultimately, the success of democracies relies on the effectiveness, integrity, and dedication of their civil services in meeting the diverse needs and aspirations of their citizens.

Innovating Governance: Building Frameworks for a Tech-Driven World

5

INTRODUCTION

In today's interconnected and rapidly evolving world, the **intersection of governance and technology** has become increasingly prominent, reshaping the way societies are governed and services are delivered. It is, therefore, crucial to explore this dynamic and complex relationship between governance and technology, highlighting its significance and implications for modern governance systems.

Definition

Governance is defined by the **World Bank** as "*the manner in which power is exercised in the administration and management of a country's economic and social resources for growth and development*".

Technology, on the other hand, encompasses a wide range of tools, systems, and innovations designed to facilitate human activities and enhance efficiency, productivity, and connectivity.

Convergence of Governance and Technology

The convergence of governance and technology refers to the integration of technological advancements into governance processes, influencing decision-making, service delivery, and citizen engagement.

The Concept of e-Governance

The **e-Governance** refers to the use of Information and Communication Technologies (ICTs) to facilitate government operations, improve service delivery, and enhance citizen engagement. It involves the digitization of government processes and the provision of online services to citizens, businesses, and other stakeholders.

e-Governance as per UNESCO

UNESCO defines **Governance** as "*the exercise of political, economic and administrative authority in the management of a country's affairs, including citizens' articulation of their interests and exercise of their legal rights and obligations*".

It, therefore, defines **e-Governance** as the "*performance of this governance via the electronic medium in order to facilitate an efficient, speedy and transparent process of disseminating information to the public and other agencies, and for performing government administration activities*."

In India, the National e-Governance Plan (NeGP) launched in 2006 aimed to provide various government services electronically to citizens through Common Service Centres (CSCs) across the country. This initiative aligned with UNESCO's vision of using ICTs to enhance government effectiveness and transparency.

e-Governance as SMART Governance

SMART governance refers to governance that is **Simple, Moral, Accountable, Responsive and Transparent.** The effective adoption of e-governance is pivoted on imbibing critical values that can transform public administrative ethos and service delivery. For instance,

- **Simple:** Simplified rules and digitization of cumbersome processes can enhance the user experience.
- **Moral:** E-governance provides tools to actualize principles of ethics, accountability and transparency as well as administrative convenience and rapid action.
- **Accountable:** E-governance mechanisms like online portals, digital tracking systems, grievance redressal cells, etc. can bolster administrative responsiveness to citizens' needs in a timely, efficient and convenient manner.
- **Responsive:** By streamlining workflows, automating mundane tasks and enabling speedy decisions, e-government reforms underscore responsiveness.
- **Transparent:** Further, ICT interventions can also boost transparency by increasing information flow, making functions visible and promoting data-driven accountability across departments. This can curb corruption and unethical practices by tracing responsibilities.

The adoption of e-governance in its entirety, however, needs sustained reforms in processes, mindsets and workplace culture. The result can be a government machinery that is simple, moral and responsive to citizens through transparent, technology-assisted functioning.

The Digital India initiative launched by the Government of India is an example of SMART governance. It aims to transform India into a digitally empowered society and knowledge economy by leveraging technology for inclusive growth. The initiative sets clear strategic objectives, such as providing digital infrastructure, delivering government services digitally, and promoting digital literacy, with measurable targets and timelines for implementation.

Role of Technology in Governance Transformation

Fig. 5.1: Role of Technology in Governance Transformation

Technology has become a significant pillar in the progress towards transformative governance. It has brought about a revolution as to how governments interact with citizens, deliver services, and make decisions. **This can be seen from the following:**

- **Enhanced Service Delivery:** Technology facilitates seamless access to public services. For instance, the **Aadhaar** initiative streamlines identification processes, enabling citizens to access various government services efficiently.
  - India's **Digital Locker System (DigiLocker)** provides citizens with a secure digital platform to store and access important documents and certificates online, eliminating the need for physical copies and simplifying administrative processes.
- **Data-Driven Decision-Making:** Governments leverage big data analytics and artificial intelligence to derive insights from vast datasets. For example, during the COVID-19 pandemic, India developed a real-time **'Covid-19 dashboard'** to track the spread of the virus, monitor healthcare resources, and coordinate response efforts.
  - Further, the **NITI Aayog's Health Index** utilises health data from states to assess and rank their performance in various health indicators. It informs policy decisions and resource allocation strategies to improve healthcare outcomes across the country.
- **Transparency and Accountability:** Technology promotes transparency by making government information accessible to the public. Platforms like Open Government Data (OGD) portals and transparency and performance monitoring dashboards provide citizens with insights into government activities and expenditures. **For example:**
  - The Right to Information (RTI) Online Portal allows citizens to file RTI applications and track their status electronically. Similarly, the Election Commission of India's Portal provides comprehensive information on electoral processes, voter registration, polling stations, and election results.
- **Financial Inclusion and Digital Payments:** Digital payment systems promote financial inclusion by providing secure and convenient access to financial services for all segments of society.
  - The Unified Payments Interface (UPI) revolutionised the payments landscape in India by enabling instant, seamless, and interoperable cashless transactions between bank accounts.
- **Citizen Engagement and Participation:** Digital platforms empower citizens to engage with governments and participate in governance processes. For example, the Swachh Bharat Mission (SBM) mobile App allows citizens to report and track cleanliness-related issues in their neighbourhoods.
  - Social media platforms serve as channels for citizen feedback and get communication. Governments use social media to disseminate information, gather public opinion, and feedback on policies and initiatives.

However, at the same time, the rapid pace of technological innovation presents challenges such as data privacy concerns, digital divides, and the need for robust cybersecurity measures. It is therefore critical to understand the importance of careful governance and regulation in harnessing the benefits of technology.

TYPES OF INTERACTIONS IN E-GOVERNANCE

e-Governance involves various types of interactions between the government and different stakeholders, including citizens, businesses, employees, and other government agencies. These interactions aim to streamline administrative processes, enhance service delivery, and promote transparency and efficiency in governance. There are primarily four types of interactions in e-Governance: G2C(Government to Citizen), G2B(Government to Business), G2G(Government to Government), and G2E(Government to Employees).

Government to Government (G2G)

G2G interactions involve communication, collaboration, and data exchange between different government departments or agencies.

- The **e-Office platform,** launched by the **National Informatics Centre (NIC) in 2009,** enables G2G interactions by digitising internal government processes such as file management, leave approvals, and correspondence. It promotes paperless office environments, enhances workflow efficiency, and facilitates inter-departmental communication.
- **National Judicial Data Grid (NJDG),** launched under the **e-Courts project,** under the **Department of Justice, Ministry of Law and Justice,** facilitates G2G interactions by providing a centralised database of case information and judicial statistics to various courts and judicial authorities. It enables data sharing and analysis for judicial reforms and policy formulation.

Government to Employees (G2E)

G2E interactions involve the delivery of administrative services and communication between the government and its employees.

- **HRMS (Human Resource Management System)** platforms automate G2E interactions by managing employee payroll, attendance, leave, and performance appraisal processes. **Indian Railways' Integrated Human Resource Management System (HRMS)** streamlines HR functions for its employees, ensuring transparency and efficiency in workforce management.

- **Employee Self-Service (ESS) Portals** enable government employees to access personal and professional information, update details, and apply for leave or benefits online.

Government to Business (G2B)

G2B interactions involve the exchange of information and services between the government and businesses or industries.

- The **Goods and Services Tax Network (GSTN),** developed by **Infosys,** facilitates G2B interactions by providing a platform for businesses to register for GST, file tax returns, and claim input tax credits online. GSTN streamlines tax compliance and enables seamless interaction between businesses and tax authorities.
- Government e-procurement portals such as **Government e-Marketplace (GeM),** under the **Ministry of Commerce and Industry,** enable businesses to participate in government tenders, submit bids, and track tender status electronically. e-Tendering promotes transparency, competition, and efficiency in government procurement processes.

Government to Citizens (G2C)

G2C interactions involve the delivery of government services and information to citizens through digital channels.

- The **Aadhaar enrollment** process enables citizens to register for a unique identification number online or at Aadhaar enrollment centres established by the government. Citizens can use Aadhaar for various services, including accessing welfare schemes, opening bank accounts, and filing taxes.
- The **Ministry of External Affairs (MEA)** offers **e-Passport Seva** services for passport applications and renewals. Citizens can apply for passports, schedule appointments, and track application status through the Passport Seva Portal, enhancing convenience and transparency in passport services.

These interactions leverage digital technologies to enhance accessibility, efficiency, and transparency in governance processes, ultimately contributing to improved service delivery and citizen satisfaction.

E-Governance in India

E-Governance in India originated in the 1970s, focusing on internal applications like defence, economic monitoring, and data-intensive tasks such as elections and tax administration.

- The establishment of the **Department of Electronics** in 1970 was a pivotal moment, indicating the government's commitment to advancing electronic governance.
- The **National Informatics Centre (NIC)** established in 1977, launched the **District Information System,** aiming to computerise all district offices and streamline administrative processes.
- The introduction of the **National Informatics Centre Network (NICNET)** in 1987, facilitated by satellite technology, laid the foundation for e-governance initiatives across the country.
- India's journey into e-governance began with the implementation of **NICNET** and the **District Information System of the National Informatics Centre (DISNIC)** program, focused on digitising district-level administration.
- The **National E-Governance Plan (NeGP),** initiated in 2006, aimed to revolutionise government service delivery by enhancing accessibility, efficiency, transparency, and affordability.
- Under NeGP, various initiatives such as Digital India, Digi-Locker, Mobile Seva, and myGov.in were launched to promote e-governance and digital empowerment among citizens nationwide.

IGNITE YOUR MIND

How have e-governance initiatives in India transformed the relationship between citizens and the state, and what challenges and opportunities does this digital shift present for enhancing transparency, efficiency, and inclusivity in governance across its diverse population?

E-Governance Initiatives in India

The **NeGP** has enabled many e-Governance initiatives, the foremost being the **Digital India Mission (2015).** Its primary components include establishing a secure and resilient digital infrastructure, delivering government services digitally, and ensuring universal digital literacy. Similarly, several other initiatives have been taken to leverage technology in the field of governance and administration.

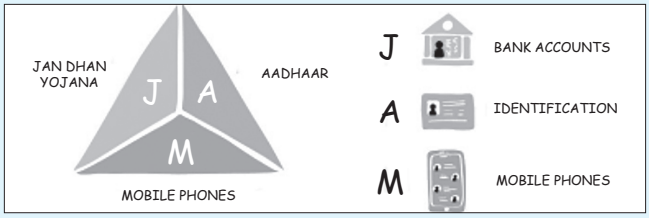
Public Service Delivery

- **Aadhar:** The collaboration between the Unique Identification Authority of India (UIDAI) and various private entities enables the Aadhaar-based authentication system, facilitating access to government services and subsidies.
- **MyGov:** MyGov is a digital platform for citizen engagement that has been developed to promote participatory governance.
- **Digital Locker (DigiLocker):** DigiLocker is a digital document storage and sharing platform that allows citizens to store, access, and share their digital documents and certificates issued by various government agencies.
- **Unified Mobile Application for New-age Governance (UMANG):** UMANG is designed to deliver government services to citizens via mobile devices. UMANG offers access to a vast number of government services, including over 1,570 services and more than 22,000 bill payment services.

- **MyScheme:** MyScheme, introduced in July 2022, aims to simplify access to eligibility-based services for citizens.
- **e-District Project:** The e-District Project aims to deliver various government services electronically to citizens at the district level, including the issuance of certificates, land records, and revenue administration.
- **e-Courts Integrated Mission Mode Project:** The e-Courts project aims to digitise court processes and procedures to enhance access to justice and improve judicial efficiency through e-filing, case tracking, and virtual court hearings.
- **SMART- PDS(Public Distribution System):** SMART-PDS(Public Distribution System) initiatives leverage technology to digitise the distribution of food grains and essential commodities through fair price shops, ensuring transparency and reducing leakages in the distribution process.
- **Direct Benefit Transfer (DBT):** DBT aims at streamlining the delivery of subsidies and welfare benefits directly to beneficiaries' bank accounts. This system ensures efficient and transparent disbursal of funds, reducing leakages and enhancing accountability in welfare schemes.
- **Centralized Public Grievance Redress and Monitoring System (CPGRAMS):** CPGRAMS enables citizens to lodge grievances online, track their status, and receive timely redressal across various government departments.
- **SARAL Portal (Simple, All-Inclusive, Real-Time, Action-Oriented, Long-lasting):** SARAL is a unified citizen service delivery platform that provides easy access to various government services and schemes through a single portal.
- **e-Sampark Portal:** e-Sampark is a mechanism to connect the government directly with citizens across India by running mailer, outbound dialing and SMS campaigns.

The Jan Dhan- Aadhar- Mobile (JAM) Trinity

The JAM Trinity refers to the inter-linkage of a person's Aadhar number, with their mobile number and their Jan Dhan bank account. Through this inter-linkage, the government aims at better targeting of its benefits to the poorer sections of society through means of **Direct Benefit Transfer (DBT)**.



The JAM Trinity also helps the government in identifying the intended beneficiaries of a welfare scheme, as well as reduce corruption and the number of ghost beneficiaries in order to streamline its social security measures. The JAM, therefore, aims at curtailing and **rationalising the huge subsidy burden** on the exchequer.

Healthcare

- **Ayushman Bharat Digital Mission (ABDM):** ABDM aims at establishing the essential infrastructure required for an integrated digital health ecosystem in the country.
- **e-Hospital Services:** e-Hospital Services enable citizens to book appointments, access medical records, and avail teleconsultation services at government hospitals and healthcare facilities through online portals.
- **eSanjeevani:** eSanjeevani is a telemedicine platform that enables remote consultation between patients and doctors. Patients can consult healthcare professionals online, receive medical advice, and even get prescriptions without visiting a hospital physically, which is particularly beneficial for those in remote areas.
- **Covid Vaccine Intelligence Network (Co-WIN):** CoWIN is an open platform that has been designed for the registration, scheduling of appointments, and management of Covid-19 vaccination certificates.
- **Aarogya Setu App:** The app was launched during the COVID-19 pandemic to provide citizens with real-time updates on the spread of the virus, self-assessment tools, and information on nearby COVID-19 testing centres and healthcare facilities. It played a crucial role in contact tracing and containment efforts.

Education

National Digital Education Architecture (NDEAR), launched in 2021, aims at unifying national digital infrastructure in order to energise and catalyse the country's education ecosystem.

- **SWAYAM (Study Webs of Active Learning for Young Aspiring Minds):** SWAYAM is an online platform that offers free courses and resources from various universities and institutions across India. It provides access to high-quality educational content in diverse subjects, enabling learners to study at their own pace and convenience.
  - **SWAYAM Prabha** is a group of several DTH channels dedicated to broadcasting educational content 24x7. These channels cover various disciplines, including school education, higher education, and skill development, and aim to reach students in remote areas with limited internet access.
- **DIKSHA (Digital Infrastructure for Knowledge Sharing):** DIKSHA is a national digital platform that provides teachers with access to e-content and teaching resources. It offers interactive textbooks, lesson plans, quizzes, and other learning materials to support classroom teaching and enhance student engagement.
- **ePathshala:** ePathshala is an initiative by the **National Council of Educational Research and Training (NCERT)** that provides digital textbooks and educational resources for school students. It offers interactive e-books, audio-visual materials, and supplementary learning resources to support classroom learning and revision.

- **National Academic Depository (NAD):** NAD is a digital platform that stores academic certificates and transcripts in a secure and tamper-proof manner. It allows students to access and share their academic records digitally, eliminating the need for physical documents and simplifying the verification process for educational institutions and employers.
- **National Scholarship Portal (NSP):** NSP is an online platform that provides a single window for students to apply for scholarships offered by the central government, state governments, and other government organisations.

Agriculture and Rural Development

- **National Agriculture Market (e-NAM):** e-NAM is an online trading platform that facilitates transparent and competitive bidding for agricultural produce. It connects agricultural markets (mandis) across the country, enabling farmers to sell their produce to buyers anywhere in India. e-NAM promotes price discovery, reduces intermediaries, and ensures fair prices for farmers.
- **mKisan:** M-KISAN, through its mKisan Portal, **disseminates crop-related advisories** to registered farmers via SMS.
- **Soil Health Card (SHC) Scheme:** The Soil Health Card Scheme provides digital soil health cards to farmers, containing information about soil nutrients, fertilisers, and recommendations for crop-specific nutrient management. It helps farmers make informed decisions about soil health management, optimise fertiliser use, and improve crop productivity.
- **Pradhan Mantri Fasal Bima Yojana (PMFBY):** PMFBY is a crop insurance scheme that leverages remote sensing, satellite imagery, and mobile applications to assess crop damage and expedite claim processing. PMFBY provides financial protection to farmers against crop losses due to natural calamities.
- **e-Krishi Samvad:** e-Krishi Samvad is an online platform that enables farmers to seek agricultural advice and information from experts. It facilitates two-way communication between farmers and agricultural scientists through toll-free helplines, SMS, and web portals.

Financial development and Inclusion

- **Pradhan Mantri Jan Dhan Yojana (PMJDY):** PMJDY is a financial inclusion program that aims to provide access to basic banking services, including savings accounts, insurance, and remittance facilities, to all households in India.
- **Unified Payments Interface (UPI):** UPI revolutionises digital transactions by offering seamless, and secure money transfers between bank accounts through mobile phones. With UPI, users can conveniently make payments, split bills, and conduct transactions across various platforms and banking institutions.
- **Aadhaar Enabled Payment System (AePS):** AePS allows citizens to access financial services using Aadhaar authentication, enabling them to make transactions, withdraw cash, and check account balances through micro-ATMs operated by banking correspondents.
- **e-Rupi:** e-Rupi is a digital payment solution launched in 2021 to promote targeted and efficient delivery of welfare benefits and subsidies. It is a prepaid voucher-based system that enables seamless and contactless digital transactions, ensuring transparency and eliminating leakages in the distribution of government benefits.

Urban and Rural Governance

- **National Digital Literacy Mission:** As part of the Digital India initiative, the National Digital Literacy Mission (NDLM) is a campaign designed to digitally educate at least one member of every rural family. The mission is aimed at providing IT training to a target of 52.5 lakh individuals, encompassing villagers, Anganwadi and ASHA workers, as well as ration shop dealers.
- **Pradhan Mantri Gramin Digital Saksharta Abhiyan (PMGDISHA):** PMGDISHA is a scheme aimed at digitally literating six crore individuals in rural areas across various States and Union Territories. It targets approximately 40% of rural households by ensuring at least one member from each eligible household receives digital literacy training.
- **National Optical Fiber Network (NOFN):** The NOFN project in India aims to provide broadband connectivity to over 250,000 gram panchayats, enabling the delivery of e-governance services to rural areas.
- **e-Gram Swaraj:** e-Gram Swaraj is a digital platform that facilitates online governance and service delivery in rural areas. It enables panchayats to digitise administrative processes, maintain records, and provide citizen services online. e-Gram Swaraj promotes transparency, accountability, and efficiency in rural governance.
- **Smart Cities Mission:** Launched in 2015, the Smart Cities Mission aims to transform Indian cities into technologically advanced and sustainable urban centres.
  - Under this initiative, selected cities are implementing projects focused on smart infrastructure, urban mobility, efficient governance, and improved quality of life for citizens. **For example,** smart traffic management systems, intelligent street lighting, and integrated command and control centres for city management.
- **e-Municipality Portals:** Many urban local bodies have developed e-Municipality portals to provide citizens with online access to various municipal services and facilities. These portals enable citizens to pay property taxes, apply for building permits, request birth and death certificates, lodge complaints, and track the status of their applications from the comfort of their homes.

- **Public Wi-Fi Hotspots:** Several cities have launched initiatives to provide free or affordable public Wi-Fi hotspots in key locations such as parks, markets, and public transport hubs. These Wi-Fi networks enhance internet accessibility for citizens, promote digital inclusion, and support initiatives such as digital literacy programs.

Election Management

- **Election Commission of India (ECI) Portal:** The Election Commission of India has developed a comprehensive online portal to provide voters with access to electoral information, including voter registration, electoral rolls, polling station locations, and election schedules.
- **Electronic Voting Machines (EVMs) and Voter Verifiable Paper Audit Trail (VVPAT):** The introduction of EVMs has revolutionised the voting process in India, ensuring faster and more accurate counting of votes. The implementation of VVPATs provides voters with a physical paper trail of their votes, enhancing transparency and confidence in the electoral process.
- **Electoral Photo Identity Card (EPIC) Management System:** The EPIC Management System digitises the process of issuing and managing EPICs, enabling the Election Commission to maintain accurate records of voters and prevent electoral fraud.
- **C-Vigil Mobile App:** The C-Vigil mobile app allows citizens to report violations of the Model Code of Conduct and other electoral malpractices by capturing and uploading photos or videos of such incidents in real time. Election authorities can take immediate action based on these reports, enhancing the integrity of the electoral process.

Transportation and Logistics

- **VAHAN and SARATHI:** VAHAN and SARATHI are national-level e-Governance initiatives for vehicle registration and driving licences, respectively. These online platforms enable citizens to apply for and renew vehicle registrations and driving licences, make fee payments, and access relevant documents and information.
- **e-Challan System:** Many states in India have implemented e-challan systems for traffic enforcement. These systems use technology such as cameras and sensors to detect traffic violations such as speeding and jumping red lights. Violators receive electronic fines (e-challans), which can be paid online, reducing the need for physical paperwork and improving the efficiency of traffic management.
- **e-Toll Collection:** The implementation of electronic toll collection (ETC) systems such as FASTag has transformed toll collection on highways in India. FASTag is a prepaid electronic toll collection system that uses RFID technology to enable automatic deduction of toll charges as vehicles pass through toll plazas.
- **GPS-Based Vehicle Tracking:** Many logistics companies in India use GPS-based vehicle tracking systems to monitor the movement of goods vehicles in real-time. These systems provide accurate information on vehicle location, speed, and route, allowing logistics operators to optimise fleet management, ensure timely delivery of goods, and enhance overall operational efficiency.
- **IRCTC Online Ticketing:** The Indian Railway Catering and Tourism Corporation (IRCTC) operates an online ticketing platform that allows passengers to book train tickets, check seat availability, and manage bookings through the internet and mobile apps.

Social Welfare and Poverty Alleviation

- **National Social Assistance Programme (NSAP) Portal:** The NSAP portal provides an online platform for the administration of social assistance schemes such as the National Old Age Pension Scheme, National Widow Pension Scheme, and National Disability Pension Scheme.
  - Beneficiaries can apply for pensions, check their application status, and receive payments through the portal, streamlining the process of availing social assistance benefits.
- **National Career Service (NCS):** The National Career Service (NCS) is an initiative by the Ministry of Labour and Employment aimed at providing a variety of employment-related services to job seekers and employers. It offers services such as job matching, career counselling, skill development courses, and information on government schemes and vacancies.
- **Skill India Portal:** It is an initiative by the Ministry of Skill Development and Entrepreneurship to promote skill development and employment opportunities across various sectors. It offers online courses, training programs, and certification courses to enhance the employability of youth.
- **Rozgar Bazaar Delhi:** It is an online job portal launched by the Government of Delhi to connect job seekers with employers in the national capital region.
- **Pensioners' Portal:** The Pensioners' Portal provides a single platform for retired government employees to access pension-related information, download pension payment orders, and submit grievances online.
- **Shram Suvidha Portal:** The Shram Suvidha Portal is an online platform launched by the Ministry of Labour and Employment to consolidate labour-related compliances and facilitate ease of doing business.
- **e-SHRAM Portal:** The e-SHRAM portal is an online platform for registering and tracking unorganised sector workers under various social security schemes.

IGNITE YOUR MIND

How can e-governance initiatives in India be strategically leveraged to address social welfare and poverty alleviation more effectively, and what role does technology play in bridging the gap between policy intentions and real-world outcomes for the marginalized?

Digital India Program

Digital India Program is a flagship initiative launched by the Ministry of Electronics and Information Technology (MeitY), Government of India, in 2015, to transform India into a digitally empowered society and knowledge economy. This comprehensive program aims to leverage digital technologies to bridge the digital divide, improve access to digital services, and promote inclusive growth across the country.

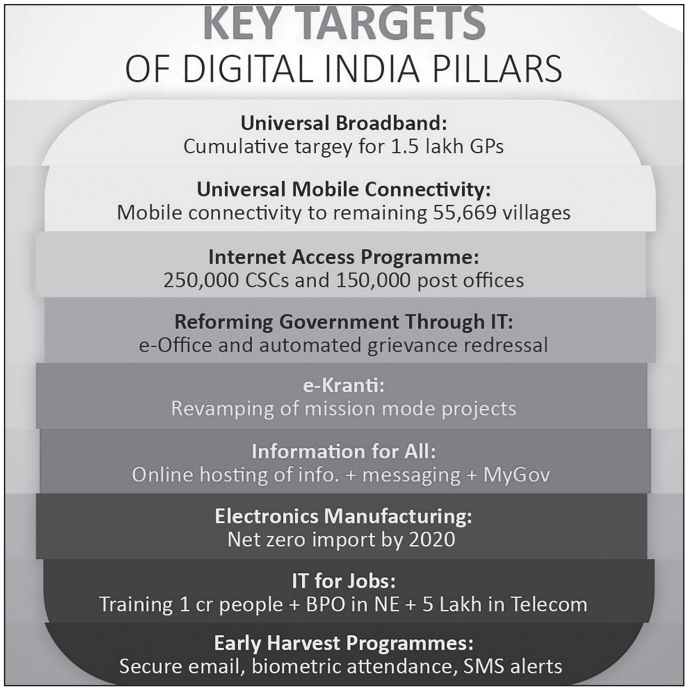

KEY TARGETS
OF DIGITAL INDIA PILLARS
Universal Broadband:
Cumulative targey for 1.5 lakh GPs
Universal Mobile Connectivity:
Mobile connectivity to remaining 55,669 villages
Internet Access Programme:
250,000 CSCs and 150,000 post offices
Reforming Government Through IT:
e-Office and automated grievance redressal
e-Kranti:
Revamping of mission mode projects
Information for All:
Online hosting of info. + messaging + MyGov
Electronics Manufacturing:
Net zero import by 2020
IT for Jobs:
Training 1 cr people + BPO in NE + 5 Lakh in Telecom
Early Harvest Programmes:
Secure email, biometric attendance, SMS alerts

Fig. 5.2: Key Targets of Digital India Pillars

It comprises various initiatives spanning digital infrastructure, e-governance, digital literacy, and digital empowerment. Its key objectives include:

- Guaranteeing high-speed internet connectivity in every gram panchayat.
- Integrating diverse ideas and perspectives into a cohesive vision, with each aspect contributing to a broader objective.
- Simplifying access to Common Service Centres across all localities.
- Revamping current schemes to facilitate coordinated implementation.

Since 2015, the Digital India Mission has achieved several milestones. Its key achievements include:

- **Infrastructure:**
  - **Increased internet connectivity:**
    - BharatNet program has connected over 210,190 Gram Panchayats with an optical fibre network.
    - Mobile data usage has surged, making India the second-largest internet user base globally, with approximately 700 million users.
  - **Digital infrastructure:**
    - Public Wi-Fi hotspots are established in many public spaces.
    - Common Service Centres (CSCs) provide digital services in rural areas.
  - **Digital payments:**
    - Unified Payments Interface (UPI) revolutionised digital transactions, processing billions of transactions annually.
    - Adoption of cashless payments through RuPay cards and e-wallets increased.
- **Digital Services:**
  - **Government services online:**
    - Over 3,000 government services are available online through portals like UMANG and DigiLocker.
    - Aadhaar card has facilitated easier access to various government schemes and services.
    - e-KYC has simplified the online verification process.
  - **Education and Healthcare:**
    - SWAYAM platform offers free online courses for skill development and education.
    - Telemedicine initiatives provide remote healthcare access in rural areas.
    - e-Hospital system for online appointment booking and health record management.
  - **Agriculture:**
    - e-NAM platform connects farmers to markets electronically.
    - The Soil Health Card scheme provides farmers with personalised soil fertility data.

Furthermore, The Digital India Mission has led to digital literacy in far off regions of the country, increased entrepreneurship and innovation in the digital space, as well as a focus on strengthening cybersecurity infrastructure and awareness.

E-Kranti

E-Kranti, **launched in 2015** by the Indian Government, forms a **key pillar of the Digital India mission,** signifying the government's focus on leveraging technology to transform service delivery. Its vision is **'Transforming e-Governance for Transforming Governance'** By subsuming major e-governance initiatives, e-Kranti aims to drive adoption of electronic delivery channels for providing citizens access to government services through integrated & user-centric platforms that promote participation, transparency and ease of use.

It encompasses **44 mission-mode projects** spread across various domains like health, education, farming, the judicial system, policing, and financial inclusion as well as **Core ICT Infrastructure.** Some major projects under the e-Kranti umbrella include Digital Locker for paperless documentation, e-Hospital for managing hospital workflows digitally, e-Sampark for enabling electronic communication between citizens and government, e-Sign for digital authentication, and Jeevan Praman for providing digital life certificates to pensioners.

e-Kranti signifies a major leap towards e-governance in India through a bouquet of citizen-centric digital platforms and next-gen tech interventions envisioned to achieve the overarching goals of **'Minimum Government, Maximum Governance'.** Its effective adoption can spur innovation and ease of living across various domains.

Successful E-Governance Projects Worldwide

- **Estonia's e-Residency Program:**
  - Estonia's e-Residency program is a government-issued digital identity that allows anyone, regardless of their nationality or location, to register a company in Estonia and manage it online. This program was launched in 2014 and has since become one of the most popular programs of its kind in the world.
  - The program provides a secure digital identity, digital signature capabilities, and access to a wide range of e-services, including company registration, tax filing, and banking.
  - The e-Residency program has attracted entrepreneurs, freelancers, and digital nomads from around the world, stimulating innovation, entrepreneurship, and economic growth in Estonia.

Benefits and Challenges of Implementing e-Governance Solutions

Benefits

- **Enhanced Efficiency:** E-governance solutions streamline administrative processes, reducing paperwork, manual tasks, and processing times, leading to greater efficiency and productivity in government operations. For instance,
  - The introduction of the **Goods and Services Tax Network (GSTN)** in India streamlined the tax filing process by digitising tax administration and facilitating online registration, return filing, and payment processing for taxpayers, leading to increased efficiency in tax collection and compliance.
- **Improved Service Delivery:** Digital platforms enable governments to deliver services to citizens more quickly, conveniently, and transparently, enhancing access to essential services such as healthcare, education, and social welfare. For instance,
  - The **National Health Mission's (NHM) e-Hospital platform** enables patients to book appointments, access medical records, and receive teleconsultations with healthcare providers online, improving access to healthcare services, particularly in rural and underserved areas.
- **Cost Savings:** E-governance solutions help governments save costs by automating processes, reducing the need for physical infrastructure, and minimising administrative overheads associated with manual tasks and paperwork. For instance,
  - The **Direct Benefit Transfer (DBT) scheme** in India digitised the distribution of subsidies and welfare payments by transferring funds directly to beneficiaries' bank accounts, eliminating leakages and reducing administrative costs associated with manual distribution of benefits.
- **Increased Transparency and Accountability:** Digital platforms promote transparency by providing citizens with access to information, data, and government services online. This transparency fosters accountability and trust in government institutions. For instance,
  - The **Election Commission of India's (ECI) National Voter Services Portal (Voter Helpline)** provides voters with access to information about electoral processes, voter registration status, and polling station locations, promoting transparency and accountability in the electoral process.
- **Citizen Empowerment:** E-governance solutions empower citizens by giving them greater control over their interactions with government, enabling them to access services, provide feedback, and participate in decision-making processes more easily. For instance,
  - The **MyGov platform** serves as a citizen engagement portal where citizens can participate in online discussions, provide feedback on government policies and initiatives, and collaborate with policymakers to address pressing issues.
- **Faster Decision-Making:** Digital platforms facilitate real-time data collection, analysis, and reporting, enabling policymakers to make informed decisions based on timely insights and feedback from citizens. For instance,
  - The **Inter-operable Criminal Justice System (ICJS) initiative** integrates databases of various criminal justice agencies, such as police, courts, and prisons, enabling real-time information sharing and analysis to facilitate faster decision-making and coordination in the criminal justice system.
- **Digital Inclusion:** E-governance solutions promote digital inclusion by providing access to government services and information to citizens across diverse socio-economic backgrounds, geographic locations, and levels of digital literacy. For instance,
  - The **Common Services Centers (CSCs) scheme** provides access to digital services and information in rural areas through a network of village-level entrepreneurs (VLEs), promoting digital inclusion and empowering citizens in remote areas to access government services and information.

Challenges

- **Digital Divide:** The digital divide refers to disparities in access to digital technologies and internet connectivity among different population groups. Bridging this divide is essential in ensuring equitable access to e-governance solutions for all citizens.

- Despite initiatives like Digital India, disparities in internet penetration and digital literacy persist, with rural and marginalised communities facing limited access to digital technologies and online services, exacerbating the digital divide.

- **Data Privacy and Security Concerns:** E-governance solutions involve the collection, storage, and sharing of sensitive citizen data, raising concerns about data privacy, security breaches, and unauthorised access to personal information.
  - The Aadhaar data breach incident raised concerns about the security and privacy of citizens' personal data stored in the Aadhaar database, highlighting the need for robust data protection measures and cybersecurity protocols in e-governance systems.
- **Infrastructure Limitations:** Inadequate digital infrastructure, including broadband connectivity and digital literacy levels, can pose challenges to the effective implementation of e-governance solutions, particularly in rural and remote areas.
  - Limited internet connectivity and electricity infrastructure in remote areas pose challenges to the effective implementation of e-governance solutions, hindering access to digital services and information for citizens in underserved regions.
- **Resistance to Change:** Resistance to change from stakeholders within government agencies, as well as from citizens accustomed to traditional offline processes, can hinder the adoption and implementation of e-governance solutions.
  - Resistance from government officials and citizens accustomed to traditional paper-based processes may impede the adoption and acceptance of e-governance solutions, requiring awareness campaigns and capacity-building initiatives to promote digital literacy and change management.
- **Technical Complexity:** Developing and maintaining e-governance platforms requires technical expertise, resources, and infrastructure, which may pose challenges for governments with limited technical capacity or budget constraints.
  - The rollout of the Goods and Services Tax (GST) in India faced technical challenges such as system crashes and glitches due to the complexity of integrating multiple tax systems and databases, underscoring the need for rigorous testing and technical expertise in e-governance projects.
- **Legal and Regulatory Frameworks:** E-governance initiatives must comply with legal and regulatory frameworks governing data protection, cybersecurity, and digital rights, which can vary across jurisdictions and pose challenges for implementation and enforcement.
- **User Experience and Accessibility:** E-governance solutions must be user-friendly, accessible, and inclusive to ensure that citizens with diverse needs, abilities, and digital literacy levels can effectively navigate and utilise digital platforms.

The debate over data localization and cross-border data flows in India's e-governance ecosystem underscores the importance of developing clear legal and regulatory frameworks to govern data protection, privacy, and digital rights in the digital era.

Complex user interfaces and lack of accessibility features in e-governance portals may exclude citizens with disabilities or low digital literacy from accessing government services online, highlighting the importance of designing inclusive and user-friendly digital platforms.

2nd ARC suggestions on E-Governance

The 2nd Administrative Reforms Commission (ARC) put forward a comprehensive set of recommendations in its 2009 report "Promoting e-Governance: The Smart Way Forward", aimed at improving e-governance services in India.These are some key recommendations:

- **Strengthening the Institutional Framework:**
  - **Apex Body:** Establish a **National e-Governance Council (NeGC)** chaired by the Prime Minister to provide vision, policy direction, and resource allocation for e-governance initiatives, ensuring strategic alignment and avoiding siloed projects.
  - **Streamlined Structure: Consolidate and restructure** existing e-governance bodies like National Institute of Smart Governance (NISG) for better coordination, resource utilisation, and streamlined decision-making.
  - **State-Level Focus:** Encourage robust **State e-Governance Mission Teams (SeGMTs)** with dedicated budgets and skilled personnel to address state-specific needs and integrate effectively with national plans.
- **Focus on Service Delivery and Citizen Centricity:**
  - **Citizen-Centric Approach:** Design, implement, and evaluate e-governance services, prioritising citizens' needs and expectations. Conduct user research, implement **citizen feedback mechanisms,** and establish **grievance redressal systems** for responsiveness and accountability.
  - **Integrated Services:** Promote **seamless integration** of e-governance services across departments and levels (central, state, local) for one-stop solutions, enhancing convenience and efficiency.
  - **Performance Monitoring:** Utilise **performance monitoring frameworks** and citizen feedback to measure the impact on efficiency, transparency, and accessibility. This data-driven approach allows for identifying areas for improvement and ensuring services meet their intended goals.

- **Leveraging Technology and Data:**
  - **Open Source Technology:** Explore using **open-source solutions** for cost-effectiveness, interoperability, and customization of platforms, potentially reducing licensing costs and facilitating local adaptation.
  - **Robust IT Infrastructure:** Invest in **reliable and secure IT infrastructure** across government platforms for smooth service delivery, data protection, and building citizen trust. Implementing strong cybersecurity measures and data privacy protocols is crucial.
- **Building Capacity and Fostering Collaboration:**
  - **Training and Skill Development:** Equip government officials with the necessary skills through training programs covering e-governance technologies, data analysis, and citizen engagement strategies. Upskilling personnel across levels builds their capability to manage and utilise platforms effectively.
  - **Private Sector Collaboration:** Engage with the private sector to leverage their expertise, technology, and innovative solutions for e-governance projects, potentially accelerating development and fostering efficient processes.
  - **Knowledge Sharing and Collaboration:** Encourage knowledge sharing and collaboration between different government departments and agencies to break down silos and ensure synergy. Platforms facilitating the exchange of best practices, experiences, and data can lead to better decision-making and service delivery.
- **Additional Recommendations:**
  - **Focus on cyber security and data privacy:** Implementing robust cybersecurity measures and ensuring data privacy is critical to building trust and protecting sensitive information.
  - **Promote inclusive access and digital literacy initiatives:** Bridging the digital divide is essential for ensuring all citizens can benefit from e-governance services. Initiatives promoting digital literacy and providing access to technology are crucial for inclusivity.
  - **Develop clear e-governance standards and guidelines:** Establishing clear standards and guidelines ensures consistency, interoperability, and adherence to best practices across e-governance initiatives.
  - **Promote innovation and experimentation in e-governance initiatives:** Encouraging a culture of innovation allows for exploring new technologies, developing creative solutions, and adapting to evolving needs.

NITI AAYOG Action Plan on e-Governance

Niti Aayog proposed the following recommendations for an action plan aimed at improving e-governance during the **three-year period spanning from 2017 to 2020:**

- **Enhancing digital literacy among citizens** is essential for promoting the adoption of **interoperable e-government platforms** and connectivity.
  - Various ministries and departments should be encouraged to implement interoperable e-government platforms to ensure accessibility and user-friendliness for citizens.
- **Expanding state-level grievance redress portals** and leveraging **data-driven e-office solutions** can enhance grievance resolution processes.
- Building a **robust IT infrastructure at the Gram Panchayat level** is necessary to facilitate easy access to government services around the clock.

DATA GOVERNANCE AND PRIVACY

In the digital age, data governance has emerged as a critical aspect of managing and safeguarding data assets. Data governance encompasses the policies, processes, and controls implemented by organisations to manage data throughout its lifecycle, from collection and storage to usage and disposal.

IGNITE YOUR MIND

In an era where data is as valuable as currency, how can governments balance the imperatives of robust data governance and privacy protection with the demands for innovation and economic growth, especially in light of emerging technologies like Artificial Intelligence (AI) and Internet of Things (IoT)?

Importance of Data Governance in the Digital Age

With the proliferation of digital technologies and the increasing volume of data generated and processed by organisations, effective data governance practices are essential to ensure data integrity, security, and compliance. For instance:

- **UIDAI Aadhaar Data Governance:** The Unique Identification Authority of India (UIDAI) manages the Aadhaar database. Aadhaar data governance involves stringent protocols for data collection, storage, and authentication to protect the privacy and security of citizens' personal information.
- **Reserve Bank of India (RBI) Data Governance:** The RBI overseas data governance practices in the banking and financial sector to ensure the security and confidentiality of customer data. Banks and financial institutions are required to adhere to RBI guidelines on data protection, including encryption, access controls, and data retention policies.

Digital India Act (2023)

Digital India Act (DIA) seeks to replace the Information Technology Act of 2000 (IT Act).

- **Need for the updated law:** It replaces the 22-year-old IT Act, 2000 due to the latter's limited ability and mandate to govern modern internet- based services.
- **Features of the new law:**
  - The Digital India Act prioritizes online safety and trust, ensuring fair market access and competition.
  - It aligns with other data-related laws and policies and remains flexible to adapt to changing standards.
  - The Act regulates emerging technologies like blockchain and AI, focusing on ethical practices and data privacy.
  - It establishes a specialized mechanism for online offenses and aims to balance accessibility and regulation on the open Internet.
  - The legislation reviews the "safe harbor" principle and introduces KYC requirements for wearable devices.

- **Telecom Regulatory Authority of India (TRAI) Regulations:** TRAI has issued regulations on data privacy and security for the telecom sector, including guidelines on the handling of consumer data by telecom service providers. These regulations aim to safeguard consumer privacy, prevent unauthorised use of personal data, and ensure compliance with data protection norms.

In response to growing privacy concerns, governments around the world have enacted regulatory frameworks and laws to protect individuals' privacy rights and ensure responsible data handling practices. For instance:

- **General Data Protection Regulation (GDPR):** Enforced by the European Union (EU), GDPR is one of the most stringent data protection regulations globally. It mandates organisations to obtain explicit consent for data processing, notify individuals of data breaches, and implement measures to ensure data security and privacy. GDPR has influenced data protection laws and regulations worldwide, including India's **Digital Personal Data Protection Act 2023 (DPDPA).**

Information Technology Act, 2000

The IT Act, 2000 was enacted by the Indian Parliament for matters related to cybercrime and e-commerce. Its key features include:

- The Act provides legal recognition to electronic records, contracts and signatures, putting digital processes on par with physical documents.
- It therefore signifies a landmark step to enable and regulate digital transaction systems while ensuring data security.
- The law aims to facilitate e-governance, electronic commerce, cybersecurity and check instances of fraud, hacking, theft and data privacy violations through prescribed penalties. It brings digital platforms under the ambit of regulations for traceability and grievance redressal.
- By amending related acts like the IPC, Bankers Evidence Act, RBI Act etc., the IT Act harmonised existing regulations with emerging technologies.

Section 69 A of IT Act, 2000

- It empowers the central government or its authorized officers to block public access to information through any computer resource.
- The government can take action if it is "satisfied" that blocking is necessary in the interests of: sovereignty and integrity of India, defence of India, security of the state, friendly relations with foreign States, Public order, etc.
- The government issues an order directing any agency of the government or intermediary to block access to the information. The order can be challenged in court, but the court's power to review is limited. The section is heavily criticized since it is vague, lacks safeguards, and grants excessive powers to the government. potentially infringing on freedom of expression.

Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021

The IT Rules 2021 signify the first significant attempt to regulate social media intermediaries, OTT platforms and digital news publishers in India. These address the rising concerns over issues like misinformation, offensive content, and lack of grievance redressal on online platforms. These come after repeated calls for better regulation of big tech companies and more accountability from such platforms.

The key features of IT Rules 2021 are:

- **Due Diligence:** The rules mandate additional due diligence for significant social media intermediaries (above 5 million users) to appoint a grievance officer, nodal officer and chief compliance officer.
- **Grievance Redressal:** Rules require appointing a grievance officer and a time-bound grievance redressal mechanism by social media platforms as well as OTT platforms.
- **Traceability:** Significant social media intermediaries are expected to identify originators of problematic information to assist government investigations.
- **Automated Content Flagging:** Intermediaries should deploy technology-based automated tools for proactively identifying and removing unlawful information or content.

- **Compliance with Law:** Rules establish a code of ethics for online news portals and OTT platforms, requiring adherence to norms around certain types of content.
- **Oversight Mechanism:** Formation of inter-departmental committee, self-regulatory bodies and oversight mechanism introduced to look into potential violations.
- **Penalties:** Platform rules non-compliance can lead to losing intermediary status, effectively opening up liability for content posted by users.

The IT Rules 2000 are also criticised due to their several limitations, such as:

- These rules are criticised as antithetical to the basic tenets of democracy. For instance, it is alleged by some that the fact checking body of the government may lead to disproportionate sanctions on media houses, political opponents etc.
- The IT Rules, 2021 do not create a level playing field between various media houses. For instance, these are not applicable to electronic and print media, thereby going against small media companies that rely almost solely on digital publications.
- It is argued that mere false information is not a valid ground for restricting/abrogating the constitutionally guaranteed rights of speech and expression; further, the prudence of allowing an executive body to remove content without appropriate checks and balances is also questioned.
- The IT Rules, 2021 and subsequent amendments to the same may also create ripples in federal relations between the Union and state governments. For instance, some legal experts have asserted that the Union can only regulate certain parts of online gaming which fall under the Union list (schedule 7).
- Further, the dual regulation of IT Rules, 2021 may also add to the regulatory overbearance. For instance, both the Ministry of Electronics and Information Technology (MeiTY) and the Ministry of Information and Broadcasting (MI&B) are involved in governance of the rules.

These rules lead to a greater compliance burden for platforms like Facebook, X (Twitter) and Netflix which need to appoint grievance officers, assist investigations, take down content etc. These, however, also raise potential concerns around censorship and infringement of privacy/free speech rights.

Digital Personal Data Protection Act 2023 (DPDPA)

The law applies to the processing of digital personal data within India, collected online or offline and digitised. It extends to processing personal data outside India if offering goods or services in India.

Features of the Act

- **Consent:** Personal data processing requires lawful purpose consent after providing a notice detailing the data to be collected and the purpose.
- **Lower Age of Consent:** The central government can prescribe a lower age of consent, facilitating safe internet access for minors.
- **Ease of Cross-Border Data Flows:** Cross-border data flows will transition from whitelisting to a blacklisting mechanism, significantly easing international data transfers.
- **Impact on Social Media Companies:** Significant data fiduciaries must implement user verification mechanisms to reduce anonymity and mitigate issues like trolling and fake news.
- **Exemptions:** Certain cases are exempt from data principal rights and fiduciary obligations, including prevention of offences and enforcement of legal rights.
  - The central government may exempt specific activities, such as processing by government entities for security purposes.
- **Data Protection Board of India:** The central government will establish the Data Protection Board of India to monitor compliance, impose penalties, and address grievances. Board members will serve two-year terms and may be reappointed.
- **Penalties:** Penalties for various offences range up to Rs 250 crore, imposed by the Board after an inquiry.

Significance of the Act

- **Empowering Citizens:** The enactment empowers citizens by granting them the right to know and control their personal data.
- **Limiting Surveillance and Profiling:** It restricts the possibilities of corporate and government surveillance and citizen profiling, with exceptions for national security and interests.
- **Balancing Exceptions:** While there may be debates over the extent of exceptions allowing government use of personal data, the overall intention and enforcement of the law aim to serve the people of India effectively.

Limitations of the Act

- **Challenges in State Government Data Management:** The law encompasses data managed by state governments and agencies, posing capacity, infrastructure, and implementation challenges due to the diverse nature of data sets.
- **Standardisation and Updation Issues:** Data sets are dispersed across departments and agencies with minimal standardisation, interoperability, and integration, hindering effective analysis and utilisation.
- **Susceptibility to Errors:** Inadequate capacity and infrastructure lead to inconsistencies, duplications, and errors in data, impeding its reliability and usefulness.
- **Manual Processes Behind Online Dashboards:** Backend processes for online dashboards are often manual, lacking consistency checks and compromising the accuracy and quality of data.

- **Implementation Gaps in Pre-existing Data Policies:** Some states have adopted data policies lacking strong implementation frameworks, resulting in gaps in areas like data retention, cybersecurity, and standardisation.
- **Complexity of Enforcement:** Enforcing the DPDPA 2023 and data policies requires coordination across all departments and agencies, posing challenges within bureaucratic structures.

EMERGING TECHNOLOGIES AND THEIR POTENTIAL IMPACTS ON GOVERNANCE

Cybersecurity and Governance

Cybersecurity plays a crucial role in preserving the integrity, confidentiality, and availability of government data and services. It ensures trust in digital transactions, protects critical infrastructure, and safeguards national security interests.

Without robust cybersecurity measures, governments are vulnerable to cyber threats such as data breaches, ransomware attacks, and cyber espionage, which can disrupt governance processes and erode public trust. For example, the **Kudankulam Nuclear Power Plant in Tamil Nadu** reportedly fell victim to a cyberattack in 2019. The attack, attributed to the Lazarus Group, a North Korean hacking group, targeted the plant's administrative network, raising alarms about the security of India's nuclear facilities.

Governments worldwide have enacted regulatory frameworks and standards to address cybersecurity risks and enhance resilience in governance. For example,

- In India, the **Information Technology (IT) Act, 2000,** and initiatives like the **National Cyber Security Policy, 2013,** provide the legal framework for cybersecurity governance and enforcement.
- India also launched the **National Cyber Coordination Centre (NCCC)** and the **Cyber Swachhta Kendra (Botnet Cleaning and Malware Analysis Centre)** to enhance cybersecurity capabilities and mitigate cyber risks.
- Further, the Indian **Computer Emergency Response Team (CERT-In)** works to enhance cybersecurity preparedness and coordinate incident response efforts to safeguard India's cyberspace from threats and vulnerabilities.

Artificial Intelligence and Governance

Artificial Intelligence (AI) plays a crucial role in enhancing governance efficiency. By leveraging AI tools and technologies, the Government of India aims to streamline administrative processes, improve service delivery, and promote inclusivity. For instance:

- **Bhashini - National Language Translation Mission (NLTM):** Launched as part of the NLTM, **Bhashini** provides language technology solutions through the BHASHINI platform. Using AI/ML and Natural Language Processing, Bhashini develops open-source models and tools for Indian languages, facilitating digital inclusion and access to government services for all citizens.
- **India Urban Data Exchange (IUDEX):** Managed by the Ministry of Housing and Urban Affairs, **IUDEX** is a data exchange platform that enables Indian cities to share urban governance-related datasets. AI-powered analytics on IUDEX help policymakers make data-driven decisions for better urban planning and service delivery.
- **Ideal Train Profile by Indian Railways:** Indian Railways utilises AI-driven programs like the Ideal Train Profile to optimise capacity utilisation and revenue generation in reserved mail express trains. This AI module analyses demand patterns and allocates vacant berths, enhancing the passenger experience and ticket availability.
- **Digidhan Mitra Chatbot:** Developed by the National Informatics Centre (NIC), the Digidhan Mitra Chatbot provides customised information on digital payments and transaction trends. By leveraging AI, the chatbot delivers real-time insights, enhancing financial literacy and promoting digital payment adoption.
- **AI Virtual Assistant of IRCTC:** IRCTC's AI-powered virtual assistant, **AskDISHA 2.0,** revolutionises ticket booking with voice and chat-based interactions. By simplifying the booking process and enhancing user experience, AskDISHA 2.0 demonstrates the transformative impact of AI in passenger services.

Blockchain Technology and Governance

Blockchain technology has garnered significant attention from the Government of India, which recognizes its potential to revolutionise public sector operations. The release of the **"National Strategy on Blockchain"** by the Ministry of Electronics and Information Technology (MeitY) underscores the government's commitment to integrating blockchain across various sectors, including healthcare, agriculture, finance, voting, and e-governance.

Government Initiatives and Applications

- **Central Bank Digital Currency (CBDC):** The Reserve Bank of India (RBI) is developing its own CBDC, the digital rupee, to modernise payment systems and reduce reliance on physical cash. CBDC implementation will enhance payment efficiency and mitigate the risks associated with private cryptocurrencies.
- **Land Registration and Digital Certificates:** Blockchain technology is being deployed for land registration, issuance of digital certificates, and customs duty payment, streamlining administrative processes and enhancing transparency.
- **Sectoral Adoption:** Regulatory bodies like the Telecom Regulatory Authority of India (TRAI) and the Securities and Exchange Board of India (SEBI) are exploring blockchain applications in telecommunications and financial markets, respectively.

Case Studies and Examples

- **NFTs for Land Mutation in West Bengal:** The New Town Kolkata Development Authority has implemented NFTs for land mutation, ensuring transparent land ownership records and eliminating manual paperwork. Municipal corporations in Durgapur and Bankura districts have adopted blockchain for issuing birth certificates.
- **Tamil Nadu Blockchain Backbone:** The initiative aims to provide citizens with a unique state ID, consolidating essential documents into a digital wallet. The e-Pettagam App allows secure sharing of documents with various entities.
- **Unified Land Management System in Karnataka:** Similar to Tamil Nadu's initiative, Karnataka aims to streamline land records management through a unified digital system.
- **Firozabad Public Grievance Management System:** The Uttar Pradesh Government, in collaboration with Polygon, has launched an online portal for filing and tracking complaints using blockchain technology, ensuring transparency and integrity of records.

IGNITE YOUR MIND

How will emerging technologies such as Blockchain, AI, and IoT reshape the landscape of governance, potentially altering the dynamics of power, accountability, and citizen engagement in both democratic and authoritarian regimes?

Way Ahead

In the rapidly evolving landscape of governance, the integration of technology has become indispensable for ensuring efficient and citizen-centric service delivery. As governments worldwide embrace digital transformation, there is a pressing need to chart a way forward that maximises the benefits of technology while addressing its associated challenges. For instance:

- **Enhancing Digital Literacy:** Prioritise initiatives to strengthen digital literacy among citizens, ensuring widespread understanding and adoption of e-government platforms.
- **Promoting Interoperability:** Encourage interoperability among government departments to streamline service delivery and provide citizens with seamless access to various government services.
- **Improving Grievance Redressal:** Expand state-level grievance redress mechanisms to enhance dispute resolution processes and address citizen grievances effectively.
- **Investing in IT Infrastructure:** Invest in robust IT infrastructure, extending connectivity and access to government services to even the remotest areas, to ensure inclusivity and accessibility.
- **Promoting Public-Private Partnerships:** Promote collaborations with the private sector to leverage expertise and resources for the development and implementation of e-governance initiatives, promoting innovation and efficiency.
- **Ensuring Transparent Governance:** Implement transparent and accountable governance practices to build public trust in digital services, enhancing citizen participation and engagement in governance processes.
- **Prioritising Cybersecurity:** Strengthen cybersecurity measures to safeguard sensitive citizen data, protect against cyber threats, and maintain the integrity and security of government systems.
- **Incorporating Citizen Feedback:** Incorporate feedback mechanisms to solicit citizen input and preferences, fostering a citizen-centric approach to service delivery and governance.
- **Promoting Innovation:** Promote a culture of innovation and adaptability within government institutions to keep pace with evolving technological advancements and citizen needs, ensuring the relevance and effectiveness of governance solutions.

By embracing these strategies, governments can pave the way for more inclusive, transparent, and effective governance in the digital age.

CONCLUSION

To address the ICT expertise gap in e-governance, governments must enhance digital literacy and train public servants. Investing in education and training will empower citizens, bridge the digital divide, and ensure participation in digital governance. Governments must also prioritize cybersecurity, data privacy, and system integrity through transparent and effective monitoring practices. This will enable the use of technology for creating resilient, inclusive governance systems.

Accountability and Transparency

6

GRIEVANCE REDRESSAL MECHANISM

Introduction

The process of addressing concerns raised by consumers and citizens along with the decisions taken to resolve these issues is termed **grievance redressal.**

The fundamental principle of trust lies at the heart of every human relationship. Grievances emerge when commitments are unmet, eroding trust between the public and the government. Consequently, addressing grievances becomes imperative. Timely resolution of grievances not only bolsters democracy by ensuring governmental stability but also enhances public trust in the government.

An efficient Grievance Redressal Mechanism stands as a pivotal element in the Government of India's initiative for **"Minimum government and Maximum governance."** The vision of a New India hinges upon a responsive and efficient government, making it an indispensable necessity.

Significance

- **Ensuring Accountability:** An efficient grievance redressal mechanism acts as a conduit between citizens and the government which promotes accountability. It provides a platform for citizens to voice their concerns and seek resolution for grievances against administrative authorities.
- **Effectiveness of Administration:** Proactively addressing public grievances enables the government to identify and rectify shortcomings in its policies and services. This leads to a more efficient and responsive administration.
- **Strengthening Democracy:**
  - An accessible and transparent grievance redressal system reinforces public trust in democratic processes and encourages citizen participation, thus fostering a stronger democracy.
  - Timely and effective handling of public grievances contributes to better policy outcomes and enhances public trust in governmental institutions.
  - Grievances offer feedback on government policies, serving as a tool to monitor and improve public policies through timely corrective measures.
  - They enable the government to understand and address the drawbacks and loopholes in policy-making and implementation which improves the quality of service delivery and fosters a pro-active organisational culture.
  - Grievance redressal mechanisms promote citizen involvement in policymaking, leading to more consensus-oriented outcomes and increased citizen participation.
- **Personalised Approach:** Grievance redressal mechanisms avoid a one-size-fits-all approach, allowing for more efficient and personalised resolution. This reduces the gap between citizens and government authorities, making the process more citizen-oriented.
- **Empowerment:** These mechanisms empower the citizens to make decisions and question government authorities. In cases of fraud and malpractice, it ensures effective justice and reflects accountability and responsibility towards consumers and citizens.
- **Inclusivity:** Grievance redressal mechanisms empower marginalised sections to voice their concerns, contributing to good governance.
- **Sevottam Model:** Grievance redressal is central to the Sevottam model, proposed by the 2nd Administrative Reforms Commission, that aims to achieve excellence in public service delivery. The word, Sevottam, is a combination of two Hindi words: 'Seva' (service) and 'Uttam' (excellence). Sevottam Model is now regarded as a standard model for providing citizen-centric governance services.

Characteristics of Effective Grievance Redressal Mechanism

- **Open to All:**
  - **Multiple Channels:** Offer various avenues for lodging grievances, including online portals, mobile apps, helplines, and physical offices, catering to diverse needs and preferences.
  - **Language Accessibility:** Provide information and support in multiple languages to ensure inclusivity and eliminate barriers for non-native speakers.
  - **Simplified Procedures:** Use clear and concise language in communication and forms, avoiding complex jargon.
- **Clear Process:**
  - **Step-by-Step Guides:** Provide readily available and easy-to-understand instructions on how to file and track grievances.
  - **Regular Updates:** Keep citizens informed about the progress of their grievances through SMS, email, or online dashboards.

- **Transparency in Decision-Making:** Share clear explanations for outcomes, including reasons for rejection, if applicable.

- **Speedy Resolution:**
  - **Defined Timelines:** Establish clear time-frames for different stages of the grievance redressal process and adhere to them consistently.
  - **Proactive Approach:** Encourage proactive resolution of grievances, aiming to address concerns before they escalate.
  - **Single Point of Contact:** Assign dedicated case officers who are responsible for handling each grievance from start to finish, minimising delays due to handovers.
- **Fairness Guaranteed:**
  - **Impartial Investigation:** Employ unbiased procedures and personnel to ensure fair and objective evaluation of grievances.
  - **Conflict of Interest Safeguards:** Implement mechanisms to prevent conflicts of interest and ensure impartial decision-making.
  - **Appeal Mechanism:** Provide a clear and accessible process for citizens to appeal grievance outcomes they deem unfair.
- **Citizen Voice:**
  - **Feedback Mechanisms:** Encourage citizen feedback on the grievance redressal process itself, identifying areas for improvement.
  - **Participation Opportunities:** Involve citizens in designing and monitoring the GRM. This fosters a sense of ownership and engagement.
  - **Grievance Redressal Councils:** Establish citizen-led councils to oversee the GRM and advocate for citizen concerns.

Understanding the Landscape of Citizens' Grievances in India

Public grievances in India present a diverse and complex landscape, reflecting the challenges faced by citizens across various domains. Let's dissect the different types of grievances:

- **Grievances Against Policies:**
  - **Examples:** Citizens may have concerns against the policies of the government such as economic reforms, educational regulations, or environmental policies through protests, petitions and media interactions.
  - **Importance:** Understanding these grievances helps assess the effectiveness of policies and identify areas for reform.
- **Grievances Due to Maladministration:**
  - **Examples:** Delays in processing applications, poor service delivery in public utilities, lack of transparency in decision-making.
  - **Impact:** Erodes public trust, hinders development, and creates frustration among citizens.
- **Grievances Due to Corruption:**
  - **Examples:** Bribery for securing services, fraudulent allocation of resources, nepotism in recruitment processes.
  - **Impact:** Creates a culture of fear and distrust, hinders economic growth, and widens social inequalities.
- **Grievances in Rural Areas:**
  - **Non-Availability of Supplies:** Unreliable access to essential commodities like electricity, medicines and agricultural inputs.
  - **Delays in Services:** Inefficient public distribution systems leading to delayed access to healthcare, education, and administrative services.
  - **Harassment:** Unfair treatment and exploitation by officials while seeking access to basic services.
  - **Importance:** Highlighting these concerns helps ensure equitable development and empower rural communities.
- **Common Grievances:**
  - **Essential Services:** Complaints regarding inadequate access to food, healthcare, education, sanitation, and other essential services are crucial areas where prompt redressal is vital.
  - **Inefficiency and Delays:** Grievances related to bureaucratic delays, corruption, and unresponsive officials create frustration and hinder citizen's access to their rights.
  - **Infrastructure Challenges:** Issues related to public transportation, sanitation, or infrastructure deficiencies directly impact citizens' daily lives and require effective solutions.

Grievance Redressal Mechanisms in India

Below are the two primary nodal agencies tasked with addressing grievances at the Central Government level.

Nodal Agencies

- **Department of Administrative Reforms and Public Grievances (DARPG):**
  - **Functions:**
    - Develops and implements citizen-centric initiatives for grievance redressal.
    - Conducts administrative reforms to improve public service delivery.
    - Formulates policies and monitors grievance redressal mechanisms across the government.
  - **Key Initiative: Centralised Public Grievance Redress and Monitoring System (CPGRAMS):**
- **Directorate of Public Grievances (DPG):**
  - **Functions:**
    - Established in 1988, it initially handled grievances for four Central Government department and now serves sixteen of them.

- It acts as an appellate body for citizens who haven't received redressal through internal channels.
- Investigates complaints, calls for files and officers to ensure fair handling and recommends solutions.

Grievance Redressal Mechanisms

- **Ombudsman:**
  - Originating from Sweden, this concept involves an officer appointed by the Legislature to address complaints against service or administrative authorities.
  - In India, the government has appointed Ombudsman to resolve grievances in various sectors:
    - Insurance Ombudsman
    - Banking Ombudsman
    - Income Tax Ombudsman
- **Lokpal:**
  - Established under the Lokpal and Lokayuktas Act 2013, the Lokpal investigates corruption allegations against public functionaries, including the Prime Minister.
  - Lokpal has the authority to order investigations from its internal inquiry wing, the Central Bureau of Investigation (CBI), and the Central Vigilance Commission (CVC).
- **Tribunals:**
  - Formed to address delays in case disposal in courts, tribunals are quasi-judicial institutions.
  - Key tribunals include:
    - Central Administrative Tribunal (CAT)
    - Railway Claims Tribunal
    - Debt Recovery Tribunal
    - Customs, Excise and Service Tax Tribunal
    - Income Tax Appellate Tribunal
    - Labour Tribunal
- **Committee on Petitions - Parliamentary Committee:**
  - This Parliamentary Committee focuses on redressing public grievances, allowing citizens to submit petitions for grievance redressal.

E-Governance Initiatives to Address Public Grievances

- **Central Public Grievance Redress and Monitoring System (CPGRAMS):**
  - An integrated online grievance redressal and monitoring system developed by the National Informatics Centre (NIC) in collaboration with DARPG and DPG.
  - Citizens can lodge complaints and track their status through CPGRAMS, which was established in 2007.
- **Pro-Active Governance and Timely Implementation (PRAGATI):**
  - A multi-modal grievance redressal system designed by the Prime Minister's Office (PMO) and NIC.
  - It enhances cooperation and coordination between the Union Government and State Governments in addressing grievances and monitoring government schemes.
- **E-Nivaran:**
  - It was launched by the Central Board of Direct Taxes for online redressal of tax payer grievances.
  - Taxpayers can register and track their grievances through this system.
- **Unified Mobile Application for New-Age Governance (UMANG):**
  - A single platform enabling citizens across India to access e-governance services from the Central Government to local government bodies.
- **MyGov:** A platform established in 2014 for disseminating government information and soliciting public opinion.
- **Nivaran:** An online portal launched by the Indian Railways in 2016 to address grievances of railway employees.
- **Integrated Grievance Redressal Mechanism (INGRAM):**
  - A portal launched by the Ministry of Consumer Affairs to address public grievances related to goods or services purchases.
- **Mera Aspataal (My Hospital):**
  - An app and portal launched by the Ministry of Health in 2016 under the National Health Mission.
  - It captures patient feedback for services received at government hospitals to improve healthcare quality across public facilities.

IGNITE YOUR MIND

How can India's e-Governance initiatives be optimized to ensure a more inclusive and responsive system for addressing public grievances, particularly in rural and underprivileged areas, where digital literacy and infrastructure may not be as developed?

Centralised Public Grievance Redress and Monitoring System (CPGRAMS)

- The Centralised Public Grievance Redress and Monitoring System (CPGRAMS) is an online platform accessible to citizens round the clock, enabling them to lodge grievances related to service delivery with public authorities.
- CPGRAMS serves as a unified portal connected to all Ministries/Departments of the Government of India and states, streamlining the grievance redressal process.
- Additionally, CPGRAMS offers an appeal mechanism for citizens dissatisfied with the resolution provided by the Grievance Officer.

CPGRAMS PROCESS FLOW

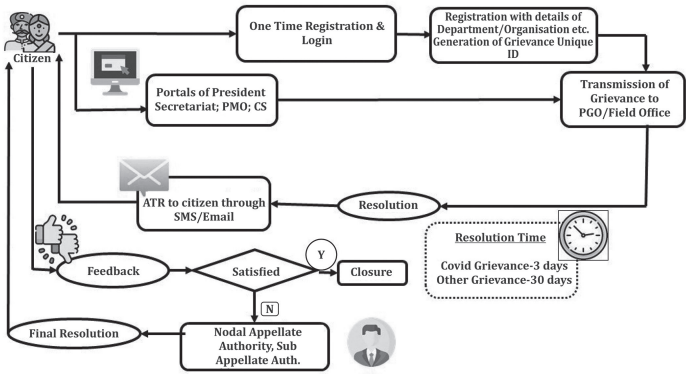


Fig. 6.1: CPGRAMS Process Flow

- To enhance the quality of grievance redressal and expedite resolution timelines, the government has implemented several initiatives.
- In 2022, the government introduced 10-step reforms for CPGRAMS, encompassing measures such as:
  - Universalization of CPGRAMS 7.0,
  - Technological enhancements using AI/ML,
  - Language translation of CPGRAMS portal into 22 Scheduled languages,
  - Operationalization of a Grievance Redressal Index,
  - Operationalization of a Feedback Call Centre,
  - Integration of State Portals/Other Grievance Portals with CPGRAMS,
  - Inclusivity and outreach through Common Service Centres,
  - Training and Capacity Building of Grievance Redressal Officers under the Sevottam scheme,
  - Monthly report publication for Central Ministries/ Departments and States/UT's,
  - Establishment of a Data Strategy Unit for data analytics.

The average disposal time of public grievances by Central Ministries & Departments has reduced due to reforms undertaken by DARPG in the CPGRAMS. There has been a decline of almost 50% in the average disposal time for Central Ministries/Departments from 32 days in 2021 to 19 days in 2023.

Challenges to Grievance Redressal

- **Lack of Awareness and Knowledge:** Many citizens lack awareness of the channels and platforms for lodging complaints with relevant authorities, leading to underreporting of grievances. Additionally, fear of reporting malpractices to authorities further inhibits complaint submission.
- **Anonymity Concerns:** Consumers often hesitate to report grievances, particularly against authorities, due to concerns about revealing their identities. The absence of anonymous reporting options exacerbates this issue.
- **Gender Divide:** Women may face barriers in voicing grievances due to limited resources and opportunities. This contributes to disparities in grievance reporting.
- **Cultural Norms of Adjustment:** India's culture of adjustment often discourages individuals from lodging complaints, resulting in a preference for adapting rather than confronting authorities regarding grievances.
- **Digital Divide:**
  - The majority of grievance portals are online and not available in all languages, hindering complaint registration for those with digital illiteracy. This digital divide limits access to opportunities for expressing grievances.
  - Inadequate digital infrastructure and lack of digital skills training further impede the implementation and resolution of grievance complaints.
- **Corruption and Malpractices:** Corruption and malpractices exist across various levels of authorities, contributing to high pendency rates and slow grievance resolution due to bureaucratic red tape.
- **Pendency and Inefficiency:** Grievance redressal channels often experience high pendency, delays, and lack of information dissemination from authorities which hampers grievance resolution. High disposal rates do not necessarily translate to effective issue resolution.

2nd ARC Recommendations

The 2nd Administrative Reforms Commission (ARC) submitted its report on "Citizen Centric Administration" in 2009, which included several recommendations for improving grievance redressal mechanisms in India. Here are some of the key recommendations:

- **Institutional Framework:**
  - **Sevottam Model:** Create a standardised model for grievance redressal across all government departments, emphasising service delivery excellence and citizen-centricity.
  - **Grievance Redressal Officers:** Appoint dedicated Grievance Redressal Officers (GROs) with adequate training and support to handle complaints efficiently.
  - **Grievance Redressal Councils:** Establish independent Grievance Redressal Councils at various levels (National, State, District) for effective oversight and monitoring.
- **Process and Procedures:**
  - **Simplified Procedures:** Implement user-friendly procedures for lodging and tracking grievances, including online portals and accessible helplines.
  - **Time-bound Resolutions:** Establish clear timelines for grievance resolution based on complexity and ensure their adherence.
  - **Transparency and Communication:** Provide regular updates and transparent explanations for resolutions, including rejection reasons.

- **Accessibility and Inclusivity:**
  - **Multiple Channels:** Offer diverse channels for lodging grievances, catering to different preferences and abilities.
  - **Multilingual Support:** Provide information and assistance in various regional languages to ensure inclusivity.
  - **Accessibility for Vulnerable Groups:** Design mechanisms sensitive to the needs of marginalised communities and persons with disabilities.
- **Accountability and Enforcement:**
  - **Fix Responsibility:** Identify and hold officials accountable for delays or unfair resolutions.
  - **Appeal Mechanism:** Offer efficient appeal mechanisms for citizens dissatisfied with grievance outcomes.
  - **Monitoring and Evaluation:** Regularly monitor the effectiveness of grievance redressal mechanisms and implement necessary improvements.
- **Empowerment and Participation:**
  - **Feedback Mechanisms:** Encourage citizen feedback on the redressal process to identify areas for improvement.
  - **Public Awareness Campaigns:** Raise awareness about available grievance redressal mechanisms and encourage their use.
  - **Citizen Participation:** Involve citizens in designing and monitoring grievance redressal mechanisms to strengthen ownership and effectiveness.
- **Additionally, the 2nd ARC Recommended:**
  - **Integration with RTI:** Facilitate smooth integration of grievance redressal with Right to Information (RTI) for comprehensive information access.
  - **Use of Technology:** Leverage technology to enhance accessibility, efficiency, and transparency of grievance redressal processes.
  - **Capacity Building:** Train government officials and citizens on effective use of grievance redressal mechanisms.

Way Forward

The grievance redressal mechanism must be prioritised for improved policy outcomes and effective governance, with open and accessible channels to accommodate complaints, even those from informal sources. An awareness campaign, possibly through Gram Sabha, can inform people about complaint registration channels, leveraging technology for timely resolutions. As a core tenet of **"Minimum Government, Maximum Governance,"** addressing public grievances is vital for India's future. While strides have been made in enhancing grievance redress departments, citizen involvement remains essential for effective governance.

OMBUDSMAN SYSTEM IN INDIA

Introduction

The first institution of ombudsman was created in **Sweden in 1809.** The term **'Ombud'** is of Swedish origin, which refers to a person who acts as a representative of another person. The Ombudsman also refers to an officer who is appointed by the legislature to handle complaints against the administrators and the judiciary.

These independent officials investigate complaints against specific organisations within their designated sectors, offering an alternative to the traditional court system. Lokpal and Lokayukta are such institutions in India.

Generally the following matters are dealt by the ombudsman:

- **Maladministration,** that is, inefficiency in achieving the targets
- **Nepotism,** supporting one's own kith and kin for employment and various other purposes
- **Abuse** of administrative discretion i.e., when official power and authority is misused
- **Discourtesy, i.e., Misbehaviour or using filthy language** and Corruption in administration, asking for bribes for doing official work.

Key Features of Ombudsman

- **Independence:** Free from influence or control by the organisations they oversee, ensuring objectivity in their investigations.
- **Accessibility:** Operate with user-friendly procedures and minimal formalities, making it easier for individuals to file complaints.
- **Flexibility:** Employ informal and inquisitorial methods of investigation, allowing for efficient fact-finding and resolution.
- **Cost-Effectiveness:** Offer services free of charge or with minimal fees, compared to the often high costs of litigation.
- **Fairness:** Aim to find just and equitable solutions for both complainants and organisations, promoting mutual understanding and resolving disputes amicably.

Strengths of Ombudsman System

- **Accessibility:** Offer user-friendly procedures and minimal formalities, making complaint filing easier for individuals.
- **Speed:** Provide faster resolution compared to lengthy court proceedings, reducing wait times and frustrations.
- **Cost-Effectiveness:** Operate at minimal or no fees, compared to the high costs of litigation, making justice more accessible.
- **Informal Epproach:** Create a less intimidating environment for complainants, encouraging open communication and cooperation.

- **Sectoral Expertise:** Possess in-depth knowledge of their respective sectors, leading to more informed and relevant decisions.

Weaknesses of Ombudsman System

- **Limited Scope:** Jurisdiction is restricted to specific sectors or organisations, leaving other areas uncovered.
- **Non-Binding Decisions:** Recommendations carry weight but are not legally enforceable, limiting their impact in some cases.
- **Varying Powers and Procedures:** Inconsistency across systems can lead to confusion and uneven outcomes for complainants.
- **Lack of Awareness:** Many citizens remain unaware of their rights and the various ombudsman systems available.
- **Limited Enforcement Mechanisms:** Implementation of recommendations can be challenging, especially when organisations resist.

Moving Forward

To enhance their effectiveness, several improvements are suggested:

- **Widening Jurisdiction:** Expanding the scope of ombudsmen to cover more sectors and address a wider range of grievances.
- **Enhancing Enforcement Mechanisms:** Strengthening implementation of ombudsman recommendations through legal backing or stricter penalties for non-compliance.
- **Raising Awareness:** Increasing public knowledge about ombudsman system through education campaigns and outreach programmes.
- **Improving Transparency:** Making complaint resolution processes more transparent and accessible to the public.
- **Strengthening Data Collection and Analysis:** Systematically collecting and analysing data on complaints, resolutions, and impact to identify areas for improvement.

Table: Different Types of Ombudsman, their Tenures, Powers and Functions.

Ombudsman	Work area	Powers & Functions
Banking Ombudsman	Complaints against banks related to services, charges, unfair practices	Investigate complaints, recommend solutions, award compensation, order banks to comply with recommendations, impose fines
Insurance Ombudsman	Complaints against insurance companies related to policies, claims, mis selling	Investigate complaints, recommend settlements, award compensation, direct insurance companies to settle claims, impose penalties
Telecom Ombudsman	Complaints against telecom service providers related to billing, quality of service, call drops	Investigate complaints, recommend resolutions, award compensation, direct service providers to address issues, impose penalties
Consumer Affairs Ombudsman	Complaints against businesses related to unfair trade practices, defective products, misleading ads	Investigate complaints, recommend redressal, award compensation, direct businesses to rectify practices, impose fines
Real Estate Ombudsman	Complaints against real estate developers related to delays, quality issues, unfair charges	Investigate complaints, recommend resolutions, award compensation, direct developers to rectify issues, impose penalties

LOKPAL AND LOKAYUKTA AND THEIR ROLE IN ENSURING ACCOUNTABILITY

The Administrative Reforms Commission (ARC) of India (1966-1970) recommended the setting up of two special authorities designated as **'Lokpal'** and **'Lokayukta'** for the redressal of citizens' grievances. These institutions were to be set up on the pattern of the institution of Ombudsman in Scandinavian countries and the parliamentary commissioner for investigation in New Zealand.

Lokpal and Lokayuktas Act, 2013 provides for the establishment of a body of Lokpal for the Union and Lokayukta for States to inquire into allegations of corruption against certain public functionaries and for matters connected therewith or incidental thereto.

The body of Lokpal has been statutory envisaged to bring a more effective mechanism in place to receive complaints against public servants including high functionaries and to inquire into them and take follow up action to effectively curb corruption.

Evolution of the Lokpal

India's Journey (1960s-2014)

- **Early 1960s:** Law Minister Ashoke Kumar Sen proposed the need for an ombudsman in India.
- **1966:** The First ARC formally recommended establishing Lokpal and Lokayuktas. The term Lokpal and Lokayukta were coined by Dr. L.M. Singhvi.

- **1968:** The Lokpal Bill initially passed in Lok Sabha, but lapsed due to dissolution of house.
- **2002 & 2005:** Recommendations from both the Venkatachaliah and Second ARC for the Lokpal enactment.
- **2011:** The Group of Ministers' examination and the public pressure led by Anna Hazare's movement led to high public demand.
- **2013:** The successful passage of the Lokpal and Lokayuktas Bill through both houses and its subsequent Presidential assent.
- **2014:** The Lokpal and Lokayukta Act finally came into force.

Lokpal Structure

- **Chairperson:** Three categories of individuals eligible to become the Lokpal Chairperson:
  - Former Chief Justice of India,
  - Former Supreme Court Judge or
  - An eminent person with impeccable integrity and outstanding ability and Minimum 25 years of experience in specific areas: Anti-corruption policy, Public administration, Vigilance, Finance (including insurance and banking) or Law and management.
- **Members:**
  - **Maximum Number:** The Lokpal can have a maximum of eight members, ensuring a manageable but diverse team.
  - **Composition:**
    - **Out of the maximum eight members, half will be judicial members,** providing legal expertise and ensuring adherence to judicial principles.
    - **Minimum 50% of the members will be** from disadvantaged communities (SC/ST/OBC) and minorities and women, promoting inclusivity and representing various societal perspectives.
- **Judicial Members:**
  - **Eligibility:** Only former Supreme Court Judges or Chief Justice of High Courts can become judicial members, guaranteeing high legal qualifications and experience.
- **Non-Judicial Members:** Similar to the Chairperson, non-judicial members must have: Impeccable integrity and outstanding ability, Minimum 25 years of experience in the same areas as the Chairperson.

Term and Appointment Process of the Lokpal

- **Tenure:**
  - Both the Chairperson and Members of the Lokpal serve for a **maximum of five years.**
  - Their term automatically ends upon reaching **70 years of age,** whichever comes first.
  - This limit on tenure aims to ensure **fresh perspectives and prevent stagnation.**
- **Appointment Process:**
  - **Selection Committee:**
    - The President appoints the Lokpal based on the recommendations of a **Selection Committee**.
    - This committee comprises five members: **Prime Minister (Chairperson), Speaker of Lok Sabha, Leader of Opposition in Lok Sabha, Chief Justice of India (or nominee) and One eminent jurist(to be nominated by the President of India on the basis of recommendations of first four members of the selection committee).**
    - The diverse composition seeks to ensure **fairness, transparency, and political neutrality** in the selection process.
    - **Key Decision:** Selects Chairperson and Members from the shortlisted names or from outside if deemed necessary.
  - **Lokpal Search Committee:** Established under the Lokpal Act 2013.
    - To assist the Selection Committee in the process of selection.
    - The Selection Committee constitutes a **Search Panel** of at least **eight people.**
    - 50% of the members of the Search Committee shall also be from amongst the SCs, the STs, the OBCs, minorities and women.
    - **Responsibility:** Shortlisting potential candidates for Lokpal Chairperson and Members.

Lokayukta Offices

- The Lokpal Act mandates each state to establish a Lokayukta office within a year of the Act's enactment (2013).
- Lokayukta function similarly to the Lokpal at the state level, investigating complaints against public servants.
- Implementation across states varies, with some facing delays and challenges.

Powers and Functions of Lokpal

- **Inclusion of Prime Minister:** The Lokpal now has jurisdiction over the Prime Minister, with specific exclusions and procedures for handling complaints against them.
- **Comprehensive Jurisdiction:** The Lokpal's purview extends to all categories of public servants, encompassing Group A, Group B, Group C, and Group D officers and employees of the government. Complaints referred to the Central Vigilance Commission (CVC) by the Lokpal are subject to further review and decision-making by the Lokpal.
- **Supervisory Powers:** The Lokpal possesses the authority of superintendence and direction over any investigating agency, including the Central Bureau of Investigation (CBI), for cases referred to them by the Lokpal.

- **High-Powered Committee for CBI Director Selection:** A High-Powered Committee, led by the Prime Minister, is tasked with recommending the appointment of the Director of the CBI.
- **Asset Attachment and Confiscation:** Provisions are made for the attachment and confiscation of assets acquired through corrupt means, even during ongoing prosecution.
- **Jurisdiction:** The Lokpal's jurisdiction covers all public servants, including the Prime Minister, ministers, Members of Parliament (MPs), and central government officials across various grades, with exceptions for certain areas such as international relations, security, public order, atomic energy, and space.
- **Limitations on Jurisdiction:** The Lokpal does not have authority over MPs and Ministers concerning matters discussed or votes cast within Parliament.
- **Asset Declaration Mandate:** Public officials and their dependents are required to declare their assets as per the Lokpal's mandate.
- **Supervision of CBI:** The Lokpal exercises control over the CBI in specific cases, including the retention of investigating officers for cases referred by the Lokpal.

While not constitutionally recognized, Lokpal and Lokayuktas operate with significant legal authority. They possess independent investigative powers, including the ability to summon witnesses, collect evidence, and conduct raids.

While their primary focus remains investigating corruption, Lokpal and Lokayuktas can also address other grievances related to maladministration and misuse of power by public authorities. This broadens their scope in fostering ethical governance.

IGNITE YOUR MIND

How can the effectiveness of the Lokpal and Lokayukta be enhanced in India to ensure they not only hold public officials accountable but also foster a culture of transparency and integrity across all levels of government?

Limitations

- **Limitation on Lokpal's Initiative:** The Lokpal cannot initiate suo moto proceedings against any public servant.
- **Formality Over Substance:** The emphasis on the form of complaints rather than their substance may hinder effective action.
- **Deterrent Punishments:** Severe penalties for false complaints against public servants might discourage legitimate complaints to the Lokpal.
- **Ban on Anonymous Complaints:** The Act prohibits anonymous complaints, necessitating formal documentation with supporting evidence.
- **Legal Aid for Accused:** Public servants facing complaints are entitled to legal assistance.
- **Statute of Limitations:** There's a seven-year limitation period for filing complaints.
- **Lack of Transparency for PM Complaints:** The procedure for handling complaints against the Prime Minister lacks transparency.

Lokayuktas

Lokpal and Lokayukta Act 2013 contains a mandate for setting up of the institution of Lokayukta through enactment of a law by the State Legislature within a period of 365 days from the date of commencement of this Act Thus, the Act provides freedom to the states to decide upon the contours of the Lokayukta mechanism in their respective states.

Origins and Structure

- Even before the enactment of the Lokpal and Lokayuktas Act 2013, many states had already set up the institution of Lokayuktas.
- It was established first in Maharashtra in 1971. Although Odisha passed the Lokayukta Act in 1970, it came into force only in 1983.
- Some states have Lokayukta and Upalokayukta, others have only Lokayukta.So, there is variation in structure across states.

Appointment and Qualifications of Lokayukta

- Lokayukta and Upalokayukta (wherever exists) are appointed by the state Governor.
- Judicial qualifications exist in some states, not specified in others.

Term and Jurisdiction of Lokayukta

- The term of office for Lokayukta is 5 years or till the age of 65 years, whichever comes first.
- Jurisdiction varies across states:
  - Chief Minister included in some states, excluded in others.
  - Ministers and higher civil servants covered almost everywhere.
  - State legislators included in some states.
  - Public bodies and corporations are often under Lokayukta purview.

Powers and Functions

- In most of the states, the lokayukta can initiate investigations based on complaints received from the citizen or suo moto.
- Address both grievances and allegations in some states, but only allegations (corruption) not grievances (maladministration)in others.
- Submit an annual performance report to the Governor, who presents it to the state legislature with an explanatory memorandum.

- He takes the help of the state investigation agencies for conducting inquiries.
- He can call for relevant files and documents from the state government departments.
- Recommendations made by Lokayukta are advisory, not binding on the state government.

Effectiveness of Lokpal and Lokayuktas: Key Issues and Challenges

While the Lokpal and Lokayukta Act aimed to strengthen anti-corruption measures, several issues hinder its effectiveness:

- **Selection & Implementation:**
  - Delayed appointments due to politicised selection process.
  - Only four states-Bihar, Manipur, Odisha and Tamil Nadu- have appointed judicial, non-judicial members of Lokayukta (Transparency International India).
- **Unrealistic Expectations & Limitations:**
  - Questions linger about independent investigations and enforcing recommendations.
  - Low public awareness and participation hinder success.
- **Independence & Reporting Barriers:**
  - Government involvement in selection and removal raises concerns about political influence.
  - No anonymous complaints discourage whistleblowers fearing retaliation.
  - The 7-year limitation period potentially excludes older corruption cases.
  - Harsh penalties for false complaints might deter genuine reporting.
  - Lack of transparency in Prime Minister investigations raises concerns about cover-ups.
- **Proactive vs Reactive Approach:**
  - Lokpal relies solely on public complaints, limiting proactive action.
  - Overemphasis on complaint format over content might dismiss valid concerns.

Way Forward

- **Autonomy & Resources:** Guarantee functional and legal independence with adequate staff, infrastructure, and budget.
- **Financial & Administrative Freedom:** Allocate a dedicated budget and empower recruitment & administrative processes. Ensure legal immunity for unhindered investigations.
- **Transparency & Leadership:** Make proceedings, investigations, and findings public within legal boundaries. Empower citizens through awareness campaigns and easy access to information. Appoint ethically strong leaders to uphold institutional integrity.
- **Decentralize & Integrate:** Establish Lokayuktas at state level and collaborate with other anti-corruption agencies to combat diverse regional and sectoral corruption. Develop robust accountability mechanisms within and between institutions.

Lokpal and Lokayuktas offer hope in India's anti-corruption fight. Challenges remain, but addressing resources, autonomy, and public engagement are crucial. Uniformity, review, and an anti-corruption ecosystem are key. Sustained will, public support, and dialogue will ensure these institutions fulfil their potential and deliver on a corruption-free India. The fight is long, but these tools empower the march towards a just society.

CITIZEN'S CHARTER

Introduction

Citizen's Charter is a document which represents a systematic effort to focus on the commitment of the organisation towards its Citizens in respect of Standard of Services, Information, Choice and Consultation, Non-discrimination and Accessibility, Grievance Redress, Courtesy and Value for Money. This also includes expectations of the Organisation from the Citizen for fulfilling the commitment of the Organisation.

Department of Administrative Reforms and Public Grievances in the Ministry **of Personnel, Public Grievances and Pensions,** Government of India, coordinates the efforts to formulate and operationalize Citizens' Charters in Central Government, State Governments and UT Administrations. It provides guidelines for formulation and implementation of the Charters as well as their evaluation.

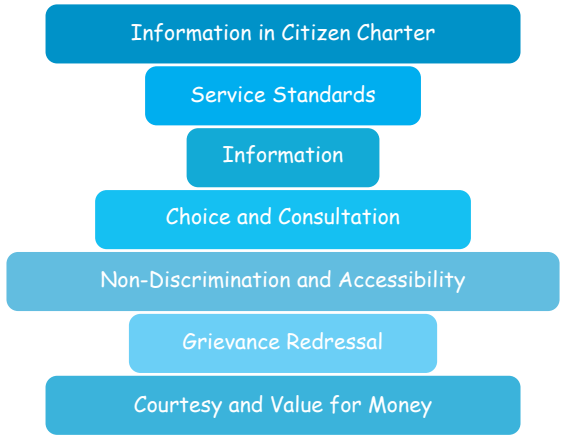


Fig. 6.2: Purpose of Citizen Charter

While not legally enforceable, Citizens' Charters serve as a **moral contract** between the organisation and its citizens. They foster trust by setting clear expectations and promoting accountability.

Origin and Evolution

In 1991, the UK's Conservative government introduced the Citizen's Charter to enhance public services. It emphasised **six core principles: Quality, Choice, Clear standards, Value for money, Accountability, and Transparency.**

In 1998, the Labour government expanded this initiative, renaming it **"Services First"** and emphasising user involvement and service excellence.

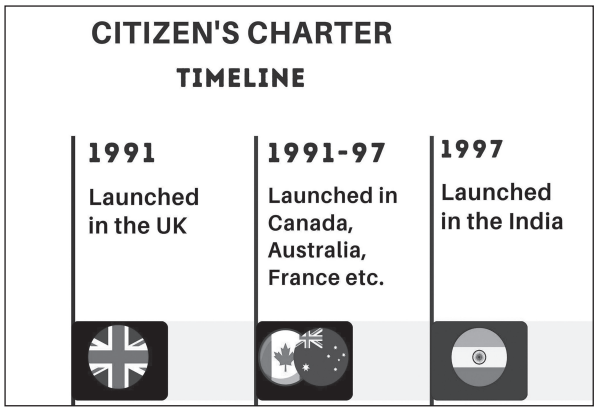


Fig. 6.3: Timeline of Citizen Charter

The Indian Scene

The introduction of the Citizen's Charter in India dates back to **1997** when it was first discussed during the **conference of chief ministers held in Delhi.** One of the resolutions from this conference was to develop Citizen's Charters, particularly in sectors with extensive public interaction such as **Railways, Telecom, Posts, Public Distribution Systems,** among others.

Objectives Behind Citizen's Charter

- Defining service standards according to public expectations.
- Simplifying rules, regulations, guidelines, and operational norms to enhance service delivery.
- Ensuring time-bound resolution of citizen grievances.
- Publicising organisational standards widely.
- Establishing networks with stakeholders to encourage their participation in service improvement.
- Cultivating a culture of transparency within the organisation.
- Enhancing the independence and impartiality of grievance redressal mechanisms.
- Striving for consistent and ongoing improvement in service quality for beneficiaries.
- Clarifying the objectives of organisational functionaries.
- Fostering better responsiveness and reciprocity within the organisation.
- Adapting services to meet evolving needs of the people or service groups.

Components of Citizen's Charter

- **Vision & Mission Statement of the Organisation:** Align citizen expectations with organisational goals.
- **Details of business transacted by the organisation**
- **Details of Clients:** Address specific needs of different audiences. And also the details of service provided to each client group
- **Transparent Standards:** Set clear service standards, quality parameters, timeframes, and accessibility.
- **User-friendly Grievance Redressal:** Details of grievance redress mechanism and how to access it.
- **Shared Responsibilities:** Outline expectations from the clients/citizens and encourage feedback.
- **Going Beyond:** Offer additional commitments like compensation for failure of service delivery.

Six Principles of the Citizen's Charter

Six principles of the Citizens Charter movement as originally framed, were:

- **Quality:** Improving the quality of services
- **Choice:** Wherever possible
- **Standards:** Specify what to expect and how to act if standards are not met
- **Value:** For the taxpayers money
- **Accountability:** Individuals and Organisations
- **Transparency:** Rules/ Procedures/ Schemes/Grievances.

Significance of Citizen's Charter

Citizen Charters hold immense significance in promoting good governance and empowering citizens in their interactions with public institutions.

- **Trust & Accountability:**
  - **Clear Standards:** Defined benchmarks for service quality ensure transparency and clarity.
  - **Complaint Channels:** Easy access to complaint mechanisms empowers citizens to report issues.
  - **Open Communication:** Regular updates and information sharing build trust and accountability.
- **Empowered Citizens:**
  - **Informed Choices:** Access to information enables citizens to make informed decisions about services.
  - **Participation:** Platforms for feedback and suggestions foster citizen engagement.
  - **Active Shaping:** Citizen input contributes to improving service design and delivery.
- **Value for Money:**
  - **Defined Quality Standards:** Ensures efficient use of public funds by focusing on quality outcomes.
  - **Innovation Push:** Incentives for improved processes and solutions lead to cost-effectiveness.
  - **Resource Transparency:** Clear information on resource allocation promotes responsible spending.
- **Collaboration:**
  - **Partnerships:** Charters encourage cooperation between citizens, service providers and stakeholders.
  - **Shared Solutions:** Collaboration fosters innovative approaches to address common challenges.
  - **Win-Win Outcomes:** Joint efforts benefit all stakeholders involved in service delivery.

- **Adaptability & Improvement:**
  - **Regular Reviews**: Feedback-based evaluations ensure Charters remain relevant and effective.
  - **Data-Driven Improvement:** Performance data analysis guides further enhancements and adjustments.
  - **Continuous Progress:** Charters evolve based on citizen needs and changing circumstances.
- **Additional Benefits:**
  - **Reduced Corruption:** Transparency and accountability minimise opportunities for misuse of public resources.
  - **Social Equity:** Charters can be designed to address specific needs of diverse groups and promote inclusivity.
  - **Stronger Governance:** Active citizen participation strengthens democratic processes and enhances government legitimacy.

IGNITE YOUR MIND

How can the implementation of the Citizen's Charter in India be monitored and evaluated to ensure it truly empowers citizens by making service delivery timelines and standards not just transparent but also legally enforceable?

Implementation of the Citizen's Charter in India

DARPG's Role: The Department of Administrative Reforms and Public Grievances (DARPG) sets the guidelines for Citizen Charters, aiming to improve transparency, accountability, and service delivery across government bodies.

Key Guidelines

- **Clarity and Accessibility:** Charters should be easily understood by everyone.
- **Collaboration:** Involve citizens, management, and frontline staff in development.
- **Commitment to Action:** Training and awareness programs are crucial for implementation.
- **Transparency:** Clearly outline services, rights, standards, and grievance redressal.
- **Accessibility:** Make procedures, costs, and charges readily available.
- **Non-Justiciable, But Binding:** Commitments hold internal and external stakeholders accountable.
- **Performance Monitoring:** Regularly gather feedback and review effectiveness (every 6 months).
- **Specificity:** Tailor charters to specific services or units.

Alignment with Right to Information Act: The Act reinforces citizens' access to information, further supporting Citizen Charter goals.

By promoting these guidelines and citizen engagement, DARPG plays a crucial role in improving transparency, accountability, and efficient service delivery in India.

Challenges Related to Citizen's Charter in India

- **Toothless Tigers:** Non-binding charters leave citizens powerless when promised standards aren't met.
- **Lacking in Action:** Vague charters lacking details on standards, complaints and timeframes render accountability to be a major challenge.
- **Unheard Voices:** Excluding users, NGOs, and frontline staff leads to charters missing the mark on citizens' needs and implementation realities.
- **Awareness Abyss:** Citizens and even providers remain unaware of charters, and inadequate staff training hinders effective service delivery.
- **Old Habits Die Hard:** Vested interests threatened by transparency sabotage implementation or create weak, ineffective charters.
- **Dust-Covered Promises:** Outdated, unreviewed charters fail to reflect evolving needs and realities.
- **Language Barrier:** Charters in English exclude non-English speakers, perpetuating inequalities and limiting access for marginalised communities.
- **Unseen Needs:** Charters often overlook the specific needs of senior citizens, differently-abled individuals, and other marginalised groups, creating access barriers.
- **Inconsistent Funding:** Inadequate budgets hinder resource allocation and effective implementation.
- **Blind Eye to Performance:** Lack of monitoring and grievance redressal systems leave progress unchecked and concerns unheard.
- **Political Apathy:** Unsustained political will and leadership fail to overcome resistance and drive effective implementation.
- **Digital Divide:** Unequal access to technology and digital literacy excludes marginalised communities from online charters and grievance redressal mechanisms.

2nd ARC Recommendations on Citizen's Charter

Making Citizen Charters Effective: Key Points from the Commission Report

The Second ARC Report outlines several crucial steps to make Citizen Charters effective tools for holding public servants accountable:

- **Clear Consequences for Defaults:**
  - **Specify Remedies/Penalties/Compensation:** Charters should clearly state the consequences of not meeting service standards, ensuring accountability.
  - **Focus on Achievable Promises:** Prioritise a few realistic commitments over lofty but impractical aspirations.

- **Internal Restructuring Before Implementation:**
  - **Analyse Existing Systems:** Conduct a thorough evaluation of internal processes to identify and address inefficiencies before implementing the Charter.
  - **Prioritise System Re-Engineering:** Mere promises in the Charter aren't enough. Streamline workflows and adopt new initiatives for genuine improvement.
- **Decentralised and Inclusive Approach:**
  - **Tailor Charters to Local Needs:** Recognize differences in capabilities, resources, and local conditions across states and departments.
  - **Experiment and Adapt:** Allow flexibility for organisations to experiment with standards, grievance mechanisms, and training based on their needs.
  - **Decentralise Formulation:** Head offices provide broad guidelines, while specific details are determined at the local level.
  - **Wide Consultation:** Involve all stakeholders - staff, civil society, and experts - in formulating and refining the Charter.
- **Specific and Quantifiable Commitments:**
  - **Precise Standards:** Clearly define service delivery standards in measurable terms wherever possible.
  - **Continuously Improve:** Strive for stricter standards over time to enhance service quality.
- **Effective Grievance Redressal:**
  - **Clear Redressal Mechanism:** Outline the relief offered for service defaults and provide an accessible grievance redressal system.
- **Regular Evaluation and Feedback:**
  - **Periodic External Evaluation:** Assess the Charter's effectiveness through independent evaluations, analysing if promises are delivered.
  - **End-user feedback:** Regularly gather feedback from citizens to gauge progress and identify areas for improvement.
- **Accountability and Transparency:**
  - **Hold Officials Accountable:** Make agency heads and designated officials responsible for the Charter's design and implementation.
  - **Fix Responsibility for Defaults:** Implement a monitoring mechanism that assigns clear responsibility for service failures.
  - **Involve Civil Society:** Actively engage civil society groups in preparing, disseminating, and monitoring the Charter to enhance transparency and citizen awareness.

By following these recommendations, Citizen Charters can evolve into powerful tools for fostering accountability, improving service delivery, and empowering citizens in their interactions with public institutions.

Way Forward

- **Deeper Citizen Engagement:**
  - **Active Feedback:** Gather citizen input through surveys, public hearings, and focus groups.
  - **Co-Creation:** Partner with citizen representatives to draft and revise Charters for relevance and ownership.
- **Enhanced Awareness and Accessibility:**
  - **Multi-Channel Communication:** Utilise diverse channels like print, radio, social media, and community outreach.
  - **Clear and Accessible Materials:** Translate information into local languages and use visuals for easy understanding.
- **Fostering Service Ethics and Accountability:**
  - **Educate Citizens and Providers:** Equip citizens with their rights and responsibilities, and educate service providers on Charter obligations.
  - **Recognize and Reward:** Motivate service excellence by recognizing and rewarding employees who uphold Charter principles.
- **Technology for Accessibility and Grievance Redressal:**
  - **Digitize Charters:** Provide online access to Charters, complaints, and their status tracking.
  - **Robust Grievance Mechanisms:** Ensure timely and effective resolution with online tracking, feedback loops, and independent oversight.
- **Sustainable Implementation and Monitoring:**
  - **Secure Funding:** Allocate adequate resources for implementation, awareness campaigns, and capacity building.
  - **Monitor and Evaluate:** Regularly assess Charter effectiveness through data analysis, citizen feedback, and independent evaluations.

Embracing Citizen-Centricity: The ARC Seven-Step Model

This approach is based on the principles outlined in Indian Standard 15700:2005, the Sevottam model, and the Customer Service Excellence Model of the United Kingdom. It advocates for organisations to adopt a gradual, step-by-step method to become more citizen-centric. It's imperative for not just the top management but also every unit within the organisation with public interactions to adhere to this approach. Hence, the top management shoulders the responsibility of establishing standards for itself while also guiding subordinate offices in setting their own benchmarks.

- **Define & Categorize:**
  - Broaden service definition to include all citizen interactions.
  - Identify diverse citizen groups and understand their needs, expectations.
- **Set Standards & Norms:**
  - Gather citizen feedback to define realistic, achievable service standards.

- Publicly display standards for easy access and understanding.
- Integrate a robust grievance redressal mechanism.

❑ **Develop Capability:**
- Implement training programs on service delivery, communication, technology.
- Foster a "customer-centric culture" through leadership, engagement, rewards.
- Ensure adequate resources to meet service standards.

❑ **Perform to Achieve:**
- Continuously monitor performance against standards using data-driven methods.
- Implement performance management systems that incentivize standards adherence.

❑ **Monitor Performance:**
- Establish comprehensive KPIs for timeliness, accessibility, quality, satisfaction.
- Utilise technology and data visualisation for efficient monitoring and analysis.
- Regularly collect and analyse citizen feedback to identify areas for improvement.

❑ **Evaluate the Impact:**
- Conduct independent evaluations to assess overall impact on service delivery and satisfaction.
- Benchmark against successful initiatives to identify and adapt best practices.

❑ **Continuous Improvement:**
- Encourage employee suggestions, citizen feedback, and data-driven decision-making.
- Regularly review and update the Charter and standards to ensure they remain relevant and effective.

The Sevottam Model and Its Impact on Service Delivery

The Sevottam Model, aptly named after the Hindi words "Seva" (service) and "Uttam" (excellence), seeks to elevate the quality of public service delivery in India. Developed by the Second Administrative Reforms Commission (ARC) and launched in 2006, it offers a comprehensive framework for organisations to assess and improve their citizen-centric approach.

The Sevottam Model outlines seven crucial steps for implementation:

❑ **Define Services and Identify Clients:** Clearly outline services offered and understand the diverse needs of citizen groups.

❑ **Set Standards and Norms:** Establish measurable benchmarks for service quality, accessibility, and timelines.

❑ **Develop Capability:** Invest in training, technology and resources to empower personnel for citizen-centric delivery.

❑ **Perform to Achieve the Standards:** Ensure adherence to defined standards across all levels of the organisation.

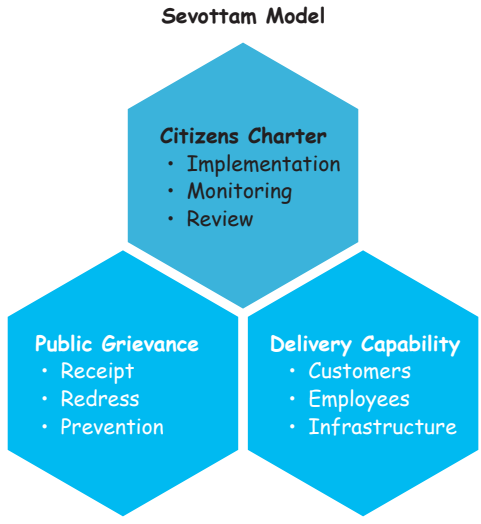


Fig. 6.7: Sevottam Model

❑ **Monitor Performance:** Regularly track performance against standards and address identified gaps promptly.

❑ **Evaluate Impact:** Conduct independent evaluations to assess the model's effectiveness and impact on citizen satisfaction.

❑ **Continuous Improvement:** Utilise data and feedback for ongoing improvement and adaptation of the model.

Significance

The Sevottam Model carries significant implications for public service delivery in India:

❑ **Quality Management:** It provides a structured framework for organisations to systematically assess and improve their service delivery performance.

❑ **Citizen-Centricity:** It emphasises citizen inputs, grievances, and expectations, promoting a service-oriented mindset within organisations.

❑ **Sustainable Improvement:** The continuous improvement aspect ensures ongoing adaptability and relevance in a dynamic environment.

❑ **Credible Self-Assessment:** The model guides organisations in conducting self-assessments for citizen-centric service delivery.

By effectively implementing the Sevottam Model and its core principles, public service organisations in India can embark on a journey towards enhanced citizen satisfaction, improved trust, and ultimately, better governance outcomes.

SOCIAL AUDIT

Introduction

Social Audit refers to the examination of a government programme through active involvement of people, especially the intended beneficiaries. It involves comparing the official records with actual ground realities. Social audit is a decisive tool in governance which promotes transparency, accountability and people's participation, making the government and its programmes responsive to people's aspirations.

The System of Social Audits in India

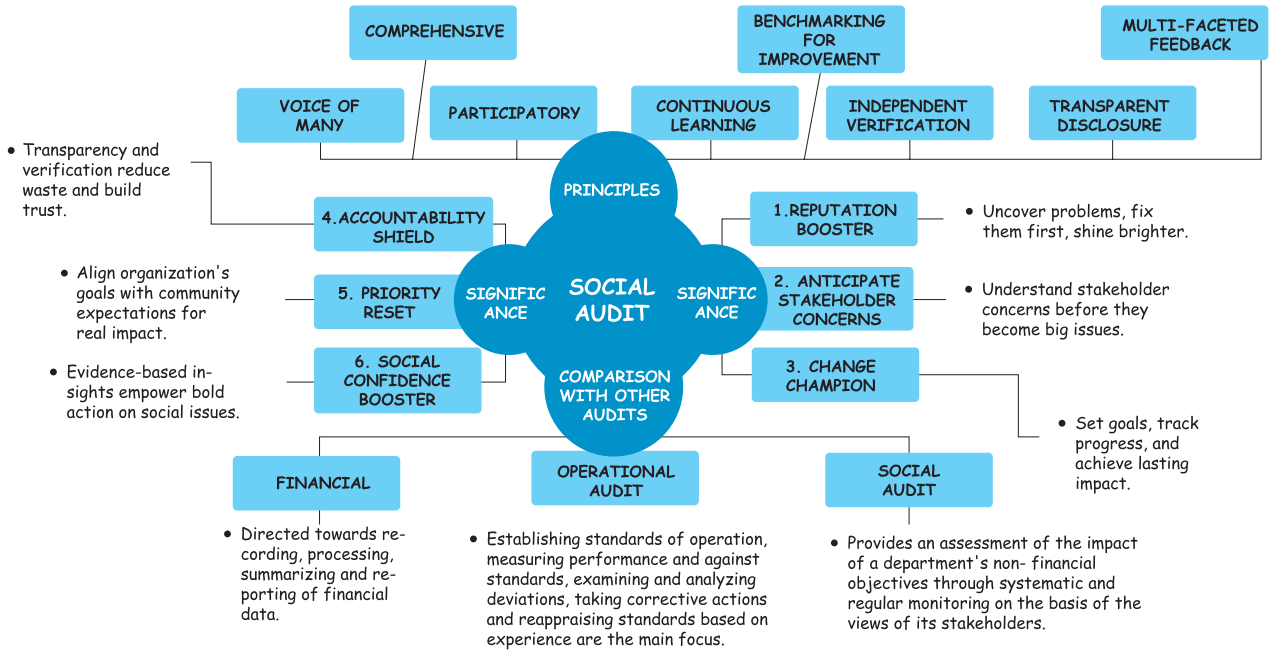

COMPREHENSIVE
BENCHMARKING FOR IMPROVEMENT
MULTI-FACETED FEEDBACK
VOICE OF MANY
PARTICIPATORY
CONTINUOUS LEARNING
INDEPENDENT VERIFICATION
TRANSPARENT DISCLOSURE
PRINCIPLES
SOCIAL AUDIT
SIGNIFIC ANCE
SIGNIFIC ANCE
COMPARISON WITH OTHER AUDITS
4.ACCOUNTABILITY SHIELD
1.REPUTATION BOOSTER
5. PRIORITY RESET
2. ANTICIPATE STAKEHOLDER CONCERNS
6. SOCIAL CONFIDENCE BOOSTER
3. CHANGE CHAMPION
• Transparency and verification reduce waste and build trust.
• Uncover problems, fix them first, shine brighter.
• Align organization's goals with community expectations for real impact.
• Understand stakeholder concerns before they become big issues.
• Evidence-based insights empower bold action on social issues.
• Set goals, track progress, and achieve lasting impact.
FINANCIAL
OPERATIONAL AUDIT
SOCIAL AUDIT
• Directed towards recording, processing, summarizing and reporting of financial data.
• Establishing standards of operation, measuring performance and against standards, examining and analyzing deviations, taking corrective actions and reappraising standards based on experience are the main focus.
• Provides an assessment of the impact of a department's non- financial objectives through systematic and regular monitoring on the basis of the views of its stakeholders.

Fig. 6.8: Social Audit in India

- Programmes like MGNREGA and NFSA provide legal basis for social audit. E.g., mandatory social audit of the progress and quality of work done under MGNREGA.
- The Comptroller & Auditor General has prescribed standards for conducting social audit.
- In the Swaraj Abhiyan Case 2015, the Supreme Court held that social audit of government programmes should be done by independent societies. E.g., Society for Social Audit, Accountability and Transparency in Rajasthan.
- Meghalaya has passed the Meghalaya Community Participation and Public Services Social Audit Act 2017 to provide legal backing to social audit. The Act mandates social audits across 21 schemes and 11 departments.
- In Chhattisgarh, apart from MGNREGA, a social audit team also collects complaints regarding other issues and hands it over to the Sarpanch.

Challenges in Social Audit in India

The system of social audit in India suffers from certain challenges, as discussed below

The implementing agencies induce delays in social audit such as failure to provide documents on time, not sending independent observers etc.

- Due to lack of legal and institutional backing of national and state laws, the social audit institutions like social audit units (SAUs) and independent societies are underdeveloped and scant.
- There is lack of adequate administrative and political will in institutionalising social audit.
- People's participation suffers due to the lack of capacity building and training for conducting social audits. There is also a lack of meaningful implications of social audits, creating disinterest among people.
- There is a general lack of awareness about social audits.
- Sporadic and ad hoc auditing by NGOs or CSOs fails to make social auditing a people's movement.

Measures to Improve Social Audit

Following measures can be taken to make social audit more effective

- Reduce political interference by following a strict and transparent process for selection of directors and members of SAUs.
- A resource hub should be constituted under the National Institute of Rural Development and Panchayati Raj (NIRD&PR) to provide assistance to Social Audit Units in training support, monitoring and evaluation.
- As recommended by the 2nd ARC, social audits should be conducted more frequently and regularly (every six months) in every gram panchayat.
- Social audits should be given legal backing by state governments through law, guidelines and rules, such as making social audits mandatory for all government programmes.
- Digitalization of social audit process through video conferences, audio-visual information on gram Sabha portal etc. can increase participation.
- In Jharkhand, the public hearings are heard by juries with PRI and CSO members. A cultural workshop for 'Information, Education and Communication' activities is conducted. Such efforts need to be replicated.

IGNITE YOUR MIND

How can the system of social audits in India be strengthened to not only increase transparency and accountability in government schemes but also actively involve and empower the grassroots communities in the governance process?

Social audit is an important tool for democratic countries like India, providing for 'people's audit' over acts and obligations of authorities. The system of social audits needs to be strengthened through capacity building and institutionalisation of standards and practices to make it an effective tool for democratic accountability.

RIGHT TO INFORMATION ACT (RTI)

Introduction

The Right to Information Act of 2005 requires government authorities to provide timely responses to requests from citizens for official information. The primary aim of this legislation is to empower citizens, enhance transparency and accountability in governmental operations, combat corruption, and ensure the genuine functioning of democracy for the benefit of the people.

The Right to Information (RTI) Act in India stands as a powerful tool for citizens to exercise their fundamental right to freedom of expression, enshrined in **Article 19(1) of the Indian Constitution.** It goes beyond mere speech, enabling citizens to actively seek information, analyse it, and voice their concerns about government actions.

Beyond Dissatisfaction: Uncovering, Monitoring, and Empowering

The RTI Act's significance extends beyond expressing dissatisfaction. It has become a crucial instrument for:

- **Uncovering Corruption:** By empowering citizens to access information about government spending, contracts, and decision-making processes, the Act has been instrumental in exposing corrupt practices and holding authorities accountable. Examples include RTI applications revealing inflated costs in public projects or exposing irregularities in resource allocation.
- **Monitoring Government Operations:** Citizens can use the RTI Act to track the progress of government programmes, evaluate their effectiveness, and identify areas for improvement. This promotes transparency and ensures that government initiatives remain aligned with public needs.
- **Demanding Expense-Related Data:** Access to information about government spending empowers citizens to understand where their tax rupees are being used and hold authorities accountable for efficient resource allocation. This promotes financial transparency and fosters public trust in governance.

Wide Scope and Timely Response

The RTI Act covers a vast spectrum of information held by:

- **All constitutional bodies** (legislature, judiciary, and executive)
- **Government-owned and controlled institutions** (public sector undertakings, universities, etc.)
- **Non-governmental organisations** significantly funded by the government

Furthermore, the Act mandates timely responses to citizen requests, requiring authorities to provide information within 30 days (extendable by an additional 30 days for complex cases). This promotes efficient information flow and facilitates informed public participation.

Evolution of Right to Information in India

While the specific quote **"Information is the currency of democracy"** may not be directly attributed to Thomas Jefferson, similar sentiments highlighting the importance of information in a democracy are found in his writings and speeches. For example, he stated, **"The people who possess the necessary information about public affairs ... are the only sure guardians of liberty."** This notion resonates within the Indian context, emphasising the crucial role of accessible information in empowering citizens and fostering a "vibrant civil society."

The Constitution of India does not provide for the RTI as a fundamental right. However, it is inherent, within the scope of Article 19(1)(a) and Article 21.

Global Recognition of the Right to Information

- The **Universal Declaration of Human Rights (1948),** a foundational document adopted by the United Nations General Assembly, guarantees in Article 19 that "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." This right to information plays a crucial role in upholding other fundamental freedoms like freedom of expression and assembly.
- The **International Covenant on Civil and Political Rights (1966),** a key human rights treaty ratified by most UN member states, further elaborates on this right in Article 19. It states that "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of his choice." This emphasizes the diverse forms of information and expression protected by this right, beyond just official pronouncements.

As a party to the Universal Declaration on Human Rights, India acknowledges Article 19 of the declaration, which talks of the right to receive and impart information

Recognizing this need, the Indian Parliament enacted the **Right to Information Act (RTI Act) in 2005.**

- **Judicial Affirmation:**
  - **Kulwal vs. Jaipur Municipal Corporation (1986):** This judgement went beyond simply recognizing the right to information as part of the right to free expression under Article 19 of the constitution.
  - It held that **"Information is a vital part of the democratic process" and essential for informed public participation.** Notably, the Court stressed the importance of **proactive disclosure** by public authorities, making information readily available without citizens having to file formal requests.
- **Grassroots Movement:**
  - **Mazdoor Kisan Shakti Sangathan (MKSS):** This organisation, led by Aruna Roy, began its RTI movement in early **1990s,** focusing on issues of rural poverty and development in Rajasthan. They used RTI extensively to expose corruption, demand accountability, and empower marginalised communities.
  - **Impact of the Movement:** MKSS's innovative use of RTI inspired similar movements across India, raising public awareness and building pressure for RTI legislation. Their success in Rajasthan, with the **first state-level RTI Act in 2000,** demonstrated the viability and potential impact of RTI at the grassroots level.

Legislative Efforts

- **1996:**
  - **National Campaign for People's Right to Information (NCPRI):** Established in 1990, NCPRI played a leading role in advocating for and drafting the RTI bill.
  - **Press Council of India:** This statutory body, formed in 1966, supported the RTI movement recognizing its importance for media freedom and public access to information.
- **1997:**
  - **H.D. Shourie Committee Report:** This report titled "Right to Information: Draft Bill and Report" submitted to the government in 1997 provided a comprehensive framework for the RTI Act.
  - **Tamil Nadu Right to Information Act (1997):** This pioneering state-level law served as a model for the national Act and demonstrated its feasibility.
- **2001:**
  - **Parliamentary Committee Recommendations:** The Standing Committee on Home Affairs submitted a report with recommendations on the RTI bill, highlighting its significance for transparency and good governance.
- **2003:**
  - **Freedom of Information Act (2003):** Though passed by Parliament and signed by the President, this Act remained inactive due to various reasons, highlighting the complexities of the legislative process.
- **2004-2005:**
  - **RTI Bill (2004):** This revised bill with wider scope was passed by Parliament and referred to another committee for further scrutiny.
  - **Final Passage and Implementation (2005):** After extensive deliberations, the RTI Act was finally enacted in 2005 and came into effect in October, marking a historic achievement in India's democratic journey.

The Mazdoor Kisan Shakti Sangathan (MKSS): Spark Plugs of the Indian RTI Revolution

The Right to Information (RTI) Act in India stands as a beacon of transparency and accountability, yet its story unfolds beyond legal documents and parliamentary debates. At its heart lies the relentless struggle of ordinary citizens, exemplified by the Mazdoor Kisan Shakti Sangathan (MKSS), a people's organisation rooted in rural Rajasthan.

- **From Drought Relief to Transparency:**
  - Founded in 1990, MKSS tackled rural issues like wages and development.
  - Facing opaque drought relief practices, they recognized the power of information access.
  - In 1994, they demanded project documents – a radical act challenging power dynamics.
  - Public hearings empowered communities to expose irregularities and demand accountability.
- **Local Impact, National Movement:**
  - MKSS's success stories inspired others, amplifying the call for transparency.
  - They actively participated in national campaigns, sharing their experiences and advocating for an RTI law.
  - Their relentless efforts played a crucial role in the RTI Act's passage in 2005.
- **Empowering Citizens, Beyond Access:**
  - MKSS trained communities on using the RTI Act, fostering participation and scrutiny.
  - This led to increased public engagement, informed citizens, and better development outcomes.
- **Impact and Recognition:**
  - MKSS's work garnered national recognition, with Aruna Roy receiving the Ramon Magsaysay Award.
  - Studies documented the positive impact, including increased transparency, reduced corruption, and improved development.

RTI Act Provisions

Table: Important Sections of RTI Act

Characteristic	Section(s)	Description
Applicability	1(2)	Extends to the whole of India (Enforced in J&K from 31 Oct. 2019)
Definition of Information	2(f)	Defines **"Information"** as: "Any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force.
Right to Information	2(j)	"Right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to— ❑ Inspecting work, documents and records; ❑ Taking notes, extracts or certified copies of documents or records; and ❑ Taking certifies samples of material ❑ Obtaining information electronically or in print out form where it is stored electronically
Proactive Disclosure	4	Requires Public authorities to disclose information on a suo- moto basis.
Public Information Officers (PIOs)	5(1)	Every public authority shall, within one hundred days of the enactment of this Act, designate as many officers as the Central Public Information Officers or State Public Information Officers, as may be necessary to provide information to persons requesting for the information under this Act.
Response Time	7(1)	Information to be supplied to an applicant within 30 days from the receipt of application by the CPIO/SPIO. Provided where the information is sought for concerns the life or liberty of a person, the same shall be provided within 48 hours of the receipt of the request.
Information Commissioners at Union level	12	Provides for the offices of Chief Information Commissioners and Information Commissioners to oversee RTI implementation at Union level
Information Commissioners at state level	15	Provides for the offices of State Chief Information Commissioners and State Information Commissioners to oversee RTI implementation at state level

Significance of RTI Act

The RTI Act: Shining a Light on Governance and Empowering Citizens

From Secrecy to Transparency:

The pre-2005 era in India was often characterised by secretive and opaque governance. Access to information was strictly controlled, hindering citizen participation and fostering a climate of corruption. This lack of transparency made it difficult to hold officials accountable and marginalised communities often lacked information about their rights and access to crucial programs.

The RTI Act: A Game Changer

The 2005 Right to Information Act (RTI) marked a landmark shift by empowering every citizen with the right to request information from any public authority. This simple act triggered a cascade of positive changes:

- **Transparency:** The Act mandated the disclosure of information, shedding light on government processes and fostering openness. This transparency empowered citizens to participate actively in shaping public policy and holding officials accountable.
- **Combating Corruption:** Access to information about public funds became a powerful tool for citizens to expose irregularities and demand action. High-profile cases like the Commonwealth Games and 2G spectrum scams were exposed through the RTI, leading to investigations and prosecutions.
- **Strengthening Democracy:** Increased transparency and citizen participation contributed to a stronger and more inclusive democracy. Citizens could now understand the rationale behind policies and engage in informed public discourse.
- **Empowering the Vulnerable:** The Act proved particularly beneficial for vulnerable communities, enabling them to access information about their rights, programmes and resources. This empowered them to fight for their rights and hold authorities accountable for better service delivery.

IGNITE YOUR MIND

How has the RTI Act transformed the relationship between the government and citizens in India, and what further reforms are needed to address its current limitations and ensure it continues to serve as a powerful tool for transparency and accountability?

Success Stories Related to the RTI Act

The Right to Information Act (RTI) stands as a testament to the power of knowledge and citizen participation in a democracy.

- **UP Jails Overcrowding:** RTI exposed the human rights violation of overcrowded jails, prompting government action and showcasing the Act's role in addressing systemic issues.
- **Madhya Pradesh DWCDO Fined:** A public official's failure to provide information under RTI resulted in a fine, sending a strong message about the importance of transparency and adherence to the Act.
- **Adarsh Society Scam:** Beyond exposing the illegal links, this case showcased the power of collective action. Yogacharya Anandji and Simpreet Singh's initial RTI applications sparked wider public scrutiny, media investigations, and eventually, legal action. This highlights the Act's ability to mobilise communities and bring about systemic change.
- **Public Distribution Scam in Assam:** This case demonstrates the crucial role of RTI in ensuring food security for vulnerable populations. By exposing the irregularities, the Krishak Mukti Sangram Samiti not only ensured action against corrupt officials but also paved the way for improved food distribution systems, directly impacting countless lives.
- **Massive Stink over Planning Commission Toilets:** This case underscores the importance of RTI in scrutinising public spending. Subhash Agrawal's application exposed not only wasteful expenditure but also potential misuse of power, sparking public debate and prompting corrective action.

Challenges

- **Backlog and Delays:** Over 3.2 lakh pending cases across Information Commissions (ICs) create long waiting times for crucial information.
- **Understaffed Commissions:** 9 out of 29 ICs lack Chief Information Commissioners, weakening the system's ability to handle complaints and deliver timely decisions.
- **Hesitant To Penalise:** Low utilisation rate of penalties against erring Public Information Officers (PIOs) dilutes accountability and transparency.
- **Opaque Operations:** Failure to publish annual reports raises concerns about the ICs' own adherence to transparency norms.
- **Unjustified Rejections:** Nearly 40% of rejections by the Centre lack valid reasons, potentially violating exemption clauses.
- **Privacy Concerns vs. Public Interest:** Overuse of Section 8(1)(j) to withhold personal information, even when unrelated to public interest, raises concerns about balance.
- **Misusing Exemptions:** Frequent invocation of Section 24 for security and intelligence information, even for non-security matters, requires stricter criteria.
- **Attacks on Activists:** The chilling effect of attacks on RTI activists discourages citizens from exercising their right to information.

Unanswered Pleas

The table shows the 10 panels with the highest pendencies for which data were available

Information Commission	Till Dec. 31,2020	Till June 30,2021
Maharashtra*	62,534	74,240
Uttar Pradesh	48,444	48,514
Central Information Commission	38,590	36,788
Rajasthan	16,771	17,922
Odisha	17,658	17,464
Telangana	10,814	11,207
West Bengal	8,694	9,097
Kerala**	6,835	7,486
Madhya Pradesh	6,893	6,577
Andhra Pradesh	4,153	5,123

*Latest data as on May 31, 2021; **Latest data as on Aug. 8, 2021

Fig. 6.10: Pending RTIs

- **Limited Diversity:** Lack of diverse backgrounds among commissioners restricts the range of perspectives brought to the table.
- **Training Gaps:** Inadequate training for PIOs and APIOs hinders effective implementation and empowers information seekers.
- **Subpar Information Quality:** Limited infrastructure and processes often lead to low-quality or incomplete information responses.
- **Knowledge Gap:** Inconsistent access to training and knowledge repositories for PIOs leads to delays, inaccurate responses, and misinterpretations.
- **Lack of Monitoring:** Absence of a centralised database to track RTI applications and responses hinders compliance assessments and accurate reporting.
- **Protecting the Guardian:** Concerns about potential infringement on the independence of Information Commissioners due to amended service conditions.

- **The Spectre of the OSA:** The Official Secrets Act allows withholding information under vague "national security" claims, even for unrelated matters.
- **Restrictive Legislative Landscape:** Complex and contradictory legal framework with various exemptions hindering information access and transparency.

Second ARC Recommendations

- **Enhancing Transparency:**
  - **Repeal Official Secrets Act:** Replace it with a chapter in the National Security Act that clearly defines sensitive information. Review relevant sections of the Indian Evidence Act and Civil Procedure Code.
  - **Transparency Oaths:** Ministers take public oaths upon assuming office, eliminating secrecy oaths. Amend relevant articles.
  - **Safeguarding Information & National Security:** Protect sensitive information crucial to national security through written undertakings within the new National Security Act chapter.
- **Strengthening Information Commissions:**
  - **Selection Committees:** Reconstitute CIC and SIC selection committees to include Prime Minister/ Chief Minister, Leader of Opposition, and respective Chief Justices.
  - **Establish SICs:** Guarantee SIC formation in all states within three months.
  - **Regional Offices:** Establish regional offices for both CIC and SICs, particularly in larger states.
  - **Non-Civil Service Members:** Ensure at least half of Information Commission members come from non-civil service backgrounds.
- **Streamlining Information Access:**
  - **Nodal APIO:** Appoint a designated Nodal APIO in departments with multiple PIOs to receive all RTI requests.
  - **Publish Appellate Authorities:** Public authorities should list both PIOs and appellate authorities publicly.
  - **Printed Disclosures:** Supplement online information with printed, priced publications in official languages, updated regularly.
- **Training & Awareness:**
  - **RTI Training:** Mandate at least one day of RTI training for all government functionaries annually.
  - **Awareness Campaigns:** Partner with credible non-profit organisations at the state level to conduct impactful awareness campaigns.
- **Monitoring & Implementation:**
  - **Monitoring Role:** Empower CIC and SICs to monitor effective RTI implementation across public authorities.
  - **National Coordination Committee:** Establish a National Coordination Committee (NCC) chaired by the Chief Information Commissioner to:
    - Facilitate national-level RTI implementation
    - Share best practices from India and globally
    - Oversee the national RTI portal
    - Review relevant rules and regulations
    - Conduct impact evaluations
    - Address other emerging needs
- **Public Grievance Redressal:**
  - Encourage states to establish independent public grievance redressal authorities to address RTI-related concerns.
- **Expanding RTI Scope:**
  - **Public-like Organisations:** Include organisations performing public functions traditionally undertaken by government or with natural monopolies under the RTI Act.
  - **Funding Threshold:** Define "substantial funding" based on a percentage of annual operating costs or a fixed amount received over a specific period, bringing more bodies under the RTI umbrella.
  - **Information Transfer Transparency:** Ensure information accessible under the RTI Act remains accessible even when transferred to non-government entities.

By implementing these recommendations, the Second Administrative Reforms Commission hopes to unlock the full potential of the RTI Act, making it a true "**master key to good governance.**"

RTI Amendment Act 2019

The RTI Amendment Act 2019: Key Changes to Appointment and Terms of Service

The Right to Information (Amendment) Act 2019 introduces significant changes to the appointment and service conditions of Information Commissioners at both the central and state levels, sparking concerns about potential impacts on the independence and effectiveness of the RTI ecosystem. Let's break down the key amendments:

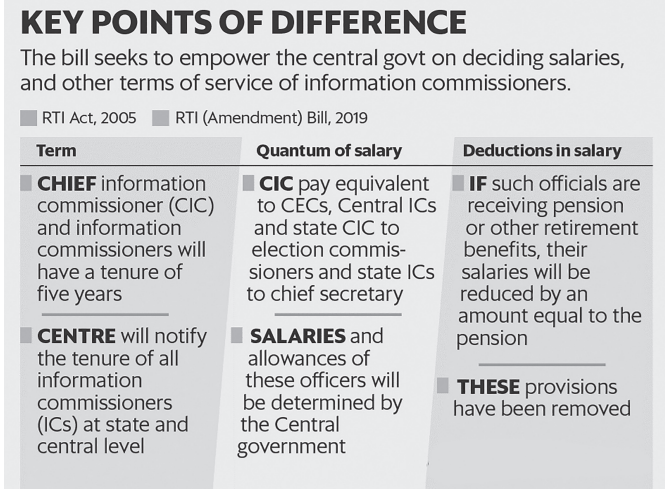

KEY POINTS OF DIFFERENCE
The bill seeks to empower the central govt on deciding salaries, and other terms of service of information commissioners.
RTI Act, 2005
RTI (Amendment) Bill, 2019
Term
CHIEF information commissioner (CIC) and information commissioners will have a tenure of five years
CENTRE will notify the tenure of all information commissioners (ICs) at state and central level
Quantum of salary
CIC pay equivalent to CECs, Central ICs and state CIC to election commissioners and state ICs to chief secretary
SALARIES and allowances of these officers will be determined by the Central government
Deductions in salary
IF such officials are receiving pension or other retirement benefits, their salaries will be reduced by an amount equal to the pension
THESE provisions have been removed

Fig. 6.12: Key Amendments by RTI Amendment Act 2019

Central RTI Commission

- **Term of Office:**
  - Original Act: 5 years or until age 65 (whichever is earlier)
  - Amendment: Term to be prescribed by the Central Government
- **Salaries and Allowances:**
  - Original Act: Linked to Chief Election Commissioner and Election Commissioner, respectively.
  - Amendment: The Chief Information Commissioner, or Information Commissioners, as the case may be, shall hold office for a period of three years from the date on which he enters upon his office.
- **Concerns:** These changes remove the automatic linkage to predefined positions, raising concerns about potential political influence and reduced independence of the Central Information Commission (CIC).

State RTI Commissions

- **Term of Office:**
  - Original Act: 5 years or until age 65 (whichever is earlier)
  - Amendment: Term to be prescribed by the Central Government
- **Salaries and Allowances:**
  - Original Act: Chief Information Commissioner (CIC) linked to Election Commissioner, Information Commissioners (ICs) linked to Chief Secretary.
  - Amendment: All to be determined by the Central Government
- **Concerns:** Similar to the central level, these changes raise concerns about the potential weakening of autonomy and influence by the central government on state CICs and ICs.

Arguments in Favour of Amendments

Here is a breakdown of the government's justifications for these changes:

- **Differing Mandates:** It argues that the Election Commission of India and Information Commissions have distinct responsibilities. Therefore, their status and service conditions should be tailored accordingly.
- **Haste in Drafting:** It suggests the original RTI Act, passed in 2005, might have overlooked certain aspects due to hurried implementation. It highlights the seemingly incongruous situation where the Central Information Commissioner (CIC) has a Supreme Court judge's status but their decisions can be challenged in High Courts.
- **Rule-making Authority:** The government points out that the original Act did not explicitly grant the government rule-making powers for the RTI ecosystem. It presents the amendments as a way to rectify this and establish clear regulatory authority.

Arguments Against the Amendments

- **Diminished Federalism:**
  - The Act weakens the role of state governments by granting the central government control over the appointment and service conditions of State Information Commissioners (ICs).
  - This centralization undermines the federal structure of India and reduces states' autonomy in implementing the RTI Act.
- **Threat to Transparency and Accountability:**
  - The amendment allows the central government to set the tenure and salary of CICs and ICs. This could create a situation where commissioners are beholden to the government, potentially hindering their ability to hold authorities accountable and uphold transparency.
  - New provisions could allow the government to shield sensitive information from scrutiny.
- **Absence of Fixed Tenure:**
  - The removal of a fixed tenure for commissioners is seen as a major blow to the independence of the RTI ecosystem. A fixed tenure is crucial for ensuring commissioners are free from political pressure and can work impartially.
  - It can be compared to the guaranteed tenure of other independent bodies like the Central Vigilance Commission (CVC) and Chief Election Commissioner (CEC).
- **Against Judicial Precedent and Parliamentary Recommendations:**
  - The 2005 parliamentary standing committee reviewing the RTI Bill had deemed the set terms of appointment for commissioners "the essence of the Bill." The Act disregards this precedent and undermines the spirit of the law.
  - Additionally, the Supreme Court's 2019 judgement in Anjali Bhardwaj & Ors. v/s UOI recognized the RTI Act as not only serving but also ensuring freedom of speech. The amendment contradicts this judgement by potentially hindering information access and free expression.

Way Forward

While the RTI Amendment Act 2019 sparked debate, ensuring a robust Right to Information ecosystem requires broader efforts beyond legislative changes. Here are some key suggestions:

- **Constitutional Status for CIC and ICs:**
  - Proponents argue granting constitutional status to the Central Information Commission (CIC) and Information Commissioners (ICs) would provide stronger autonomy and safeguard independence from undue influence.

- This could help foster a fearless and robust RTI ecosystem.

- **Comprehensive Awareness Campaigns:**
  - Public awareness about RTI rights and procedures remains crucial. Engaging with NGOs, citizen groups, and educational institutions can broaden accessibility and empower individuals to utilise RTI effectively.
  - This can be achieved through awareness campaigns, workshops, and digital resources.
- **Protection for RTI Activists:** Threats and violence against RTI activists pose a serious challenge. Ensuring robust protection mechanisms, including legal safeguards, witness protection programs, and efficient investigation and prosecution of perpetrators, is vital to encourage whistleblowing and information seeking.
- **Balancing RTI with Privacy and Official Secrets Act:**
  - Striking a balance between transparency and legitimate concerns about privacy and national security is essential.
  - Clearly defined exemption criteria and a robust appeals process can help prevent arbitrary information denial while protecting sensitive data.
  - Additionally, strengthening data protection frameworks can address privacy concerns without hindering information access.
- **Other Strengthening Measures:**
  - **Improved Training for Public Information Officers (PIOs):** Equipping PIOs with adequate knowledge and resources can promote efficient RTI implementation and reduce frivolous rejections.
  - **Timely Grievance Redressal Mechanisms:** A robust system for addressing complaints against PIOs or delayed responses can ensure accountability and encourage prompt information disclosure.
  - **Promoting Proactive Disclosure:** Encouraging government bodies to proactively disclose information can reduce reliance on RTI requests and enhance overall transparency.
  - **Harnessing Technology:** Leveraging online platforms and mobile applications can simplify RTI processes, improve accessibility, and increase public engagement.

While the 2019 Amendment brought changes, a holistic approach is needed to strengthen the RTI ecosystem. Addressing issues like independent oversight, public awareness, activist protection, and balancing competing interests can ensure the Right to Information serves its intended purpose – empowering citizens and fostering a transparent and accountable governance system.

Right to Know vs. Right to Privacy

The tension between the right to information (RTI) and the right to privacy sparks debate around striking a balance between the right to information (RTI) and the right to privacy.

Advocates for robust transparency argue that unrestricted access to information is essential for holding governments and institutions accountable, promoting good governance, and empowering citizens. They contend that any limitations on the RTI could impede the public's ability to scrutinise governmental actions and prevent corruption.

On the other hand, proponents of privacy rights emphasise the importance of protecting individuals' personal information from unwarranted intrusion. They argue that overly broad access to information could violate privacy rights, jeopardise individuals' safety and potentially expose sensitive personal data to misuse or exploitation.

Diverging Foundations

- **RTI:** Rooted in principles of democracy, transparency, and public accountability. Open access to information empowers citizens to make informed decisions and hold authorities responsible.
- **Right to Privacy:** Founded on individual autonomy, personal dignity, and freedom from unwarranted intrusion. It protects sensitive information and allows individuals to control their personal spheres.

Potential Conflicts: Indeed, seeking information for public interest (e.g., exposing corruption) can clash with an individual's privacy rights. For example:

- **Disclosure of Personal Data:** Balancing investigative needs with protecting individuals from unnecessary exposure is crucial.
- **Freedom of Expression vs. Reputation:** Striking a balance between public discourse and safeguarding individuals from harmful information is essential.

Complementary and Antagonistic: These rights can both complement and contradict each other:

- **Complementary:** Transparency in government functions fosters trust and empowers citizens to hold authorities accountable, aligning with both rights.
- **Antagonistic:** When personal information gets exposed for public interest, privacy concerns and individual rights might be compromised.

Resolving the Dilemma: Instead of viewing these rights as mutually exclusive, consider a nuanced approach:

- **Proportionality Test:** Weigh the public interest in disclosure against the potential harm to individual privacy.
- **Legal Frameworks:** Utilise legal frameworks like India's RTI Act with exemptions for privacy concerns, like medical records or personal data.
- **Independent Oversight Mechanisms:** Establish independent bodies to assess and balance competing interests in specific cases.

RTI & Political Parties

While the current position of political parties under the Right to Information (RTI) Act remains complex, a recent public interest litigation (PIL) has added another layer to the debate.

Ashwini Kumar Upadhyay, a BJP leader, filed a PIL seeking to declare political parties registered under the Representation of People Act, 1951 as "public authorities" under the RTI Act.

The Existing Landscape

- **No Direct Inclusion:** As of October 2023, political parties themselves are not explicitly recognized as "public authorities" under the RTI Act.
- **Landmark CIC Order:** In 2013, the Central Information Commission (CIC) ruled that six major national parties (Congress, BJP, CPI(M), CPI, NCP, BSP) fell under RTI due to substantial government funding. However, this order was challenged by the parties.·
- **Supreme Court Stance:** In 2020, the Supreme Court did not directly rule on the CIC order but stated that a "larger bench" would look into the matter. Notably, the Court declined to stay the CIC verdict, implying it might still hold some weight.

Arguments for RTI Application

- **Transparency & Accountability:** Since parties receive public funds, their finances and administrative processes should be open to the public for scrutiny to ensure responsible use of resources.
- **Electoral Transparency:** The anonymity of electoral bonds raises concerns, and public disclosure of party spending, especially during elections having no ceiling on expenditure, is critical for building trust.
- **Existing Precedent:** While parties haven't complied, a 2013 CIC order already classified them as public authorities, setting a legal precedent.
- The RTI act is a very balanced act. There is a section 8(1) in the act that has ten exemptions within it. If a political party comes under the ambit of RTI act, then this section will safeguard them from disclosing all types of information.

Arguments against RTI Application

- **Legal Obstacles:** The current RTI definition of "public authority" under section 2(h) might not technically include political parties which are formed under Representation of People Act 1951 (which is not the same thing as being created by Parliament), creating a legal hurdle.
- **Competitive Advantage Concerns:** Parties worry that disclosing information under RTI could give their rivals an unfair advantage in strategy and decision-making.
- **Internal Autonomy:** Parties maintain that internal operations and decision-making processes should remain confidential to safeguard their autonomy and functioning.
  - Sensitive details like strategies, funding, and internal conflicts could be misused by rivals or violate privacy.
  - Fulfilling RTI requests could divert resources from core activities like policy and campaigning.

Way Forward

- **Building Consensus:** Foster dialogue and highlight the benefits of transparency for democracy and public trust, encouraging political parties to accept inclusion under the RTI Act.
- **Defining Information Scope:** Clearly define "public" and "private" information for political parties. Outline specific exemptions under the RTI Act to balance transparency with protecting sensitive matters.
- **Ensuring Timely and Accurate Disclosure:** Implement mechanisms for timely and accurate information disclosure by parties. Establish guidelines and standards for effective dissemination.
- **Establishing Dispute Resolution:** Create a robust system for addressing RTI-related complaints and appeals. Ensure a fair and efficient mechanism for resolving information request disputes.
- **Monitoring and Evaluation:** Conduct regular monitoring and evaluation of the RTI Act's impact on political parties. Involve the Central Information Commission, Election Commission, civil society, and media in assessing transparency measures.
- **Raising Public Awareness:** Increase citizen awareness about the importance of transparency in political parties and the role of the RTI Act, fostering public demand for accountability.
- **Recognizing Ethical Imperatives:** Acknowledge that transparency and accountability are not just legal requirements but ethical and moral imperatives, reinforcing the need for these measures.
- **Collaborative Efforts:** Encourage collaboration between stakeholders – political parties, government, civil society, and media – to create a conducive environment for promoting transparency.

RTI VS OFFICIAL SECRETS ACT

Introduction

The issue of the Right to Information (RTI) versus the Official Secrets Act (OSA) revolves around the tension between transparency and national security concerns.

On one hand, the RTI Act empowers citizens to access information held by public authorities, promoting transparency, accountability, and democratic governance. However, this openness may potentially clash with the provisions of the Official Secrets Act, which is aimed at safeguarding sensitive government information and national security interests.

Under the Official Secrets Act, certain categories of information are classified as "official secrets," and unauthorised disclosure of such information is punishable by law. This includes information related to defence, diplomacy, intelligence, and other matters deemed vital to national security.

In contrast, the RTI Act mandates disclosure of information unless it falls under specified exemptions, such as information that could compromise national security or harm diplomatic relations. However, determining what constitutes a legitimate exemption under the RTI Act can sometimes be contentious, particularly when it involves balancing the right to information with national security concerns.

This issue has led to debates and legal challenges regarding the scope and application of both the RTI Act and the Official Secrets Act.

Legal Landscape

- **RTI Overrides OSA:** Section 22 of the RTI states its provisions supersede those of the OSA in case of conflict, empowering access to information despite secrecy claims.
- **Balancing Act:** Section 8(2) allows public authorities to withhold information under the OSA if the "protected interests" outweigh the "public interest in disclosure." This subjective assessment creates ambiguity.

Criticisms of the OSA

- **Colonial Legacy:** Drafted in 1923 by the British, the OSA's intent aligns more with colonial control than democratic transparency.
- **Vague Provisions:** Broad and ambiguous terms like "prohibited place" and "prejudicial information" leave room for arbitrary interpretations and misuse.
- **Whistleblower Chilling Effect:** The Act penalises disclosing even potentially crucial information, potentially stifling investigative journalism and whistle-blowing.
- **Contradiction with Democratic Values:** An opaque law contradicts the fundamental principle of transparency in a democratic republic.

Way Forward

- **Second Administrative Reforms Commission:** It recommended repealing the OSA, deemed incompatible with good governance.
- **Home Ministry:** It proposed changes in 2006 to align the OSA with the RTI's privacy framework.
- **Public Discourse:** Growing calls for repealing the OSA and replacing it with a National Security Act tailored to a modern, open democracy.

SUPREME COURT BRINGS CJI OFFICE UNDER RTI ACT AFTER HIGH COURT UPHELD APPLICABILITY

On November 13, 2019, the Supreme Court delivered a historic verdict, ruling that the Chief Justice of India's office falls under the Right to Information (RTI) Act. This decision upholds the 2010 Delhi High Court judgement affirming the same.

Background

The case originated in 2007 when RTI activist Subhash Chandra Aggarwal sought information on judges' assets through an RTI application. Faced with denial, he appealed to the Central Information Commission (CIC), which ruled in his favour, stating the CJI's office was subject to the RTI Act. This decision faced challenges, reaching the Supreme Court in 2019.

Key Highlights of the Judgement

- The CJI's office qualifies as a "public authority" under Article 124 of the Constitution.
- Transparency and accountability are vital for the judiciary, balancing with the right to privacy.
- RTI is no threat to judicial independence but cannot be used for surveillance.
- Judges' personal information is disclosable only in the larger public interest.
- Information on judges' assets and internal communication during appointments remains confidential.
- Only recommended judges' names, not reasons for selection, can be disclosed under RTI.

Significance

This landmark verdict signifies a crucial step towards transparency in the Indian judiciary. By opening its doors to RTI requests under Section 2(f), the Supreme Court has:

- **Expanded Reach of RTI:** Citizens can now inquire about various aspects of the Court's functioning, testing the previously opaque system.
- **Balanced Approach:** The verdict acknowledges the delicate balance between transparency and judicial indep-endence, ensuring both are upheld.
- **Increased Scrutiny:** Disclosure of information may highlight areas where stronger oversight and accountability mechanisms are needed within the Court.
- **Signal to Other Institutions:** This decision acts as a strong message to all democratic institutions, emphasising the importance of transparency and accountability as enshrined in the RTI Act.

In any healthy democracy, accountability is paramount. While judicial independence is crucial, it doesn't imply exemption from accountability. Every institution should be answerable to another independent body. True judicial independence shouldn't be misconstrued as absolute supremacy.

The judiciary's legitimacy stems from public trust. This verdict, endorsed by the Chief Justice, bolsters the public's right to transparency and accountability. These principles are vital for national development and social progress.

While the RTI Act has faced challenges, its significance as a tool for empowering citizens, fostering transparency, and combating corruption cannot be understated. Its continued adaptation and improvement hold the potential to further strengthen Indian democracy and ensure accountable governance for all.

Supreme Court Strikes Down Electoral Bond Scheme

February 15, 2024, will be remembered as a significant milestone in India's history. In an unanimous decision, the

five-member Constitution Bench addressed every aspect of the electoral bonds case, ruling the scheme unconstitutional. The Court instructed the State Bank of India (SBI) to cease the issuance of electoral bonds promptly and directed the disclosure of all bond transactions, including donor and recipient details, to the Election Commission of India (ECI).

Key Reasons for Striking Down

- **Infringement of Right to Information (RTI)**
  - Petitioners contended that the scheme breaches the Right to Information guaranteed under Article 19(1)(a) of the Constitution, highlighting voters' entitlement to information regarding political party funding.
  - Despite the government's assertion that citizens do not possess a **"right to know"** about political contributions, the court affirmed voters' entitlement to such information, recognizing the inherent link between finances and politics.
  - The court underscored the profound connection between money and politics, emphasising the imperative of transparency to thwart potential quid pro quo arrangements.

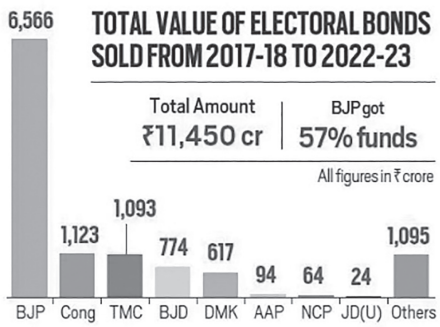


Fig. 6.13: Total Value of Electoral Bonds Sold(2017-18 to 2022-23)

- **Disproportionate Limitations:**
  - The scheme's provision of donor anonymity, aimed at combating black money, was deemed disproportionate to its objective.
  - Advocates pointed out potential loopholes allowing for cash donations which undermine its effectiveness in tackling black money.
  - The court highlighted the availability of less restrictive alternatives to achieve the scheme's goals, such as Section 29C of the Representation of People Act, 1951.
- **Privacy versus Public Interest:**
  - While the government advocated for donor anonymity to safeguard privacy rights, advocates emphasised the significance of public scrutiny in political funding.
  - The court clarified that donor privacy applies only to genuine expressions of public support, rejecting absolute anonymity facilitated by the scheme.
- **Unrestricted Corporate Contributions:**
  - Advocates underscored the detrimental effects of unlimited corporate contributions on the fairness of elections.
  - The court reinstated the limitation on political donations from companies, citing the necessity to prevent undue corporate influence in politics.
  - It expressed concerns that unrestricted contributions could encourage quid pro quo arrangements, particularly by financially struggling companies.

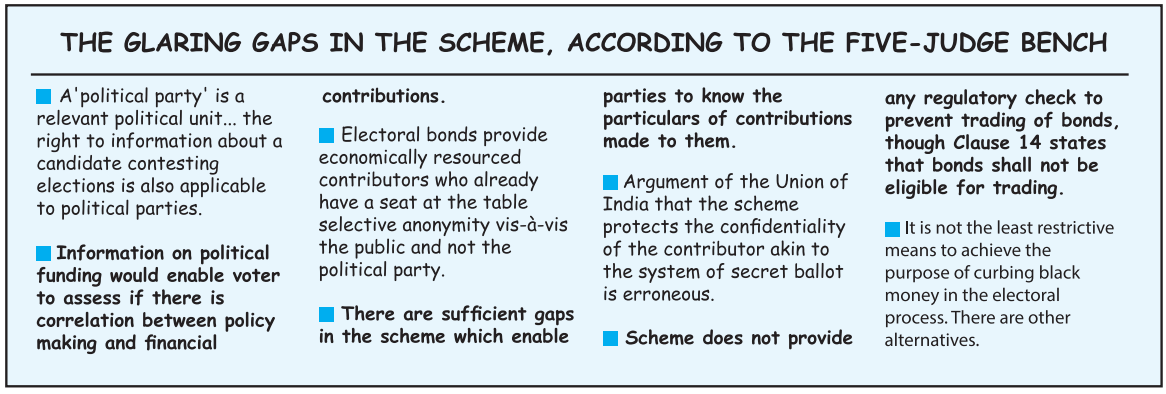

THE GLARING GAPS IN THE SCHEME, ACCORDING TO THE FIVE-JUDGE BENCH
A 'political party' is a relevant political unit... the right to information about a candidate contesting elections is also applicable to political parties.
Information on political funding would enable voter to assess if there is correlation between policy making and financial contributions.
Electoral bonds provide economically resourced contributors who already have a seat at the table selective anonymity vis-à-vis the public and not the political party.
There are sufficient gaps in the scheme which enable parties to know the particulars of contributions made to them.
Argument of the Union of India that the scheme protects the confidentiality of the contributor akin to the system of secret ballot is erroneous.
Scheme does not provide any regulatory check to prevent trading of bonds, though Clause 14 states that bonds shall not be eligible for trading.
It is not the least restrictive means to achieve the purpose of curbing black money in the electoral process. There are other alternatives.

Fig. 6.14: Gaps in the Electoral Bonds Scheme

Impact on Key Legal Amendments

- **Representation of the People Act, 1951:** The court invalidated modifications exempting political parties from revealing donations exceeding Rs. 20,000, reaffirming the equilibrium between voters' entitlement to information and donor confidentiality. **(Section 29C)**
- **Companies Act, 2013:** Revisions permitting boundless corporate contributions were nullified, reinstating the limitation on political funding by companies and upholding electoral integrity. **(Section 182)**
- **Income-tax Act, 1961:** Exemptions allowing political parties to forgo recording donations received via electoral bonds were revoked, protecting voters' right to information. **(Section 13A)**

Application of Proportionality Test

A law passed by Parliament cannot interfere with Part-III of the Constitution that lists out the inviolable fundamental rights. The only interference with Article 19(1) — which guarantees the fundamental right to free speech is permissible to the extent that the **"reasonable restrictions"** listed in Article 19(2) are not flouted. The test to decide whether an action is a reasonable restriction is the proportionality test.

- **State Action to be Upheld Must Show That:**
  - The action is sanctioned by law
  - The proposed action must be necessary in a democratic society for a legitimate aim
  - The extent of such interference must be proportionate to the need for such interference
  - There must be procedural guarantees against abuse of such interference.

It was formally established in the Puttaswamy (Right to Privacy) judgement (2017) and emphasised in the Aadhaar Act case (2018).

Government Arguments and Proportionality Test in Electoral Bonds Case: A Breakdown

Government's Stance

- **Legitimate Aims:**
  - **Curbing Black Money:** This aim received broad support as black money undermines transparency and fair elections.
  - **Protecting Donor Anonymity:** Linked to the fundamental right to privacy, allowing anonymous contributions without fear of reprisal.
- **Limited Information Access:** Solicitor General Mehta argued that the Right to Information only applies to information possessed by the state, not anonymous donors.
- **Safeguards:** Details could be revealed upon court order for investigations, addressing concerns partially.

Supreme Court's Stance

- **Donor Anonymity:** It unanimously struck down the Electoral Bond Scheme stating that it is not a legitimate state aim.
- **Right to Know:** Supersedes anonymity in political party funding.
- **Double Proportionality Test:** Balancing two fundamental rights (information vs. privacy) requires a deeper analysis.
- **Beyond Basic Proportionality:** Examines if the state adopted the **least restrictive methods** to fulfil both rights and evaluates **Disproportionate Impacts** on either right.
- **Alternative Methods:** Electoral trusts scheme exists as a less intrusive option for achieving the aims.

The Supreme Court's ruling reiterates its dedication to preserve the constitutional principles and protect democratic procedures. Through invalidating the electoral bonds scheme and reinstating crucial legal statutes, the court underscores the importance of transparency and accountability in electoral funding.

CONCLUSION

Implementing accountability and transparency in governance is a multifaceted endeavour that necessitates not only the establishment of robust legal frameworks and effective oversight mechanisms but also the cultivation of a culture that prioritises openness, ethical conduct and responsibility. These principles are not merely theoretical ideals but are essential for the practical functioning of democratic institutions, corporations, and organisations across the spectrum.

Citizen Participation in Governance

7

INTRODUCTION

Modern democratic states emphasise welfare and actively engage in socio-economic development. However, this expansion leads to increased bureaucracy and administrative processes. Civil servants gain discretionary power, which can result in harassment, malpractices and corruption. Unchecked discretion causes citizen grievances which impacts administrative efficacy and fairness. Enlargement of people's choices and capabilities is the cornerstone of all kinds of governance and a prerequisite for inclusive development and a nation's overall growth.

The success of a democratic system and the realisation of socio-economic development hinges on how effectively the citizens' grievances are addressed.

TOOLS FOR PEOPLE'S PARTICIPATION

- **Traditional Tools:**
  - **Public Meetings and Forums:** Open platforms for citizens to voice their concerns, exchange ideas and engage in collective decision-making.
  - **Consultations and Surveys:** Gathering citizen input through surveys, questionnaires, and public consultations enables data-driven decision-making.
  - **Petitions and Protests:** Traditional methods of expressing dissent and advocating for change can mobilise public opinion and trigger action.
- **Technology-Driven Tools:**
  - **Online Platforms and e-Governance:** Interactive websites, e-petition systems, and online forums can offer convenient and accessible avenues for participation. Some of the popular of initiatives include e-Panchayat, e-Gram, and Priasoft e-district etc.
  - **Social Media:** These platforms can amplify voices, facilitate discussions and mobilise large-scale participation in campaigns and movements.
  - **Mobile Apps and Citizen Reporting Tools:** Empowering citizens to report issues, track progress and provide real-time feedback directly to authorities.
  - **These Initiatives are Further Supported by Other Initiatives Which are Contributing Significantly in the e-Governance Process:** e-Choupal, e-Shakti, TARA haat, e-Health, e-Education, e-Sanjeevani, e-Hospital, e-Pathshala, e-Raktkosh, Bhoomika, Gyandoot, e-Suvidha, e-NAM, e-Sewa etc.
- **Community-Based Tools:**
  - **Community Radio and Local Media:** Providing alternative platforms for marginalised groups to express their views and engage in local governance. Eg. Sangham radio in the state of Telangana is a community radio which deals with the local issues, the radio service broadcasts the opinions and debates of local women on a daily basis.
  - **Community Juries and Consensus Building Processes:** Enabling communities to work together to find solutions to local challenges.
  - **Civic Education and Capacity Building:** Equipping citizens with the knowledge, skills and resources to participate effectively.

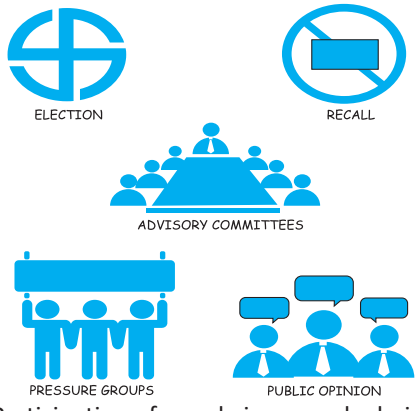


Fig 7.1: Participation of people in general administration

- **Emerging Tools:**
  - **Participatory Budgeting:** Citizens directly allocate resources within a budget, increasing ownership and accountability. This system was popularised by the 'Mycity Mybudget' campaign.
  - **Crowd-Sourcing and Co-Creation:** Platforms for collective problem-solving, idea generation, and collaborative decision-making.
  - **Blockchain Technology:** Enhancing transparency and trust in participatory processes by ensuring secure and tamper-proof data management.

SIGNIFICANCE OF CITIZEN'S PARTICIPATION IN GOVERNANCE

- **Enhanced Legitimacy and Trust:** When citizens have a voice in decision-making and understand the processes

involved, they feel more invested in the system and develop trust in their government. This leads to increased legitimacy and public support for government initiatives.

- **Improved Policymaking:** Diverse perspectives and experiences brought by citizens contribute to more informed and equitable policies that address the needs of the broader community. Citizen participation fosters better understanding of local challenges and leads to tailored solutions.
- **Increased Transparency and Accountability:** Active citizen engagement encourages governments to be more transparent in their actions and decisions. Citizen scrutiny holds officials accountable, reducing opportunities for corruption and abuse of power.
- **More Responsive Service Delivery:** Participatory processes allow citizens to directly communicate their needs and priorities to the government. This leads to services that are more responsive, efficient, and aligned with community needs.
- **Empowered and Active Citizens:** By participating, citizens develop vital skills and knowledge, gaining a sense of agency and empowerment. This fosters responsible citizenship and encourages active engagement in shaping their communities.
- **Enhanced Social Cohesion:** Inclusive participation creates opportunities for dialogue and collaboration across different groups, bridging divides and fostering social cohesion. Citizens feel more connected to their communities and invested in their collective well-being.
- **Sustainable Development:** Citizen participation is crucial for achieving sustainable development goals. Inclusive and informed engagement empowers communities to take ownership of their development process and hold authorities accountable for long-term sustainability.
- **Innovation and Problem-Solving:** Diverse perspectives and collective ingenuity can spark innovative solutions to complex challenges. Citizen participation fosters collaborative problem-solving and can lead to breakthrough ideas for tackling societal issues.
- **Combating Apathy and Disengagement:** Active participation counters apathy and disengagement, fostering a sense of ownership and responsibility among citizens. This strengthens democracy and ensures a vibrant civil society.
- **Building a More Just and Equitable Society:** Inclusive citizen participation ensures that diverse voices are heard and represented in decision-making. This promotes equal opportunities, combats discrimination and contributes to a more just and equitable society.

INSTITUTIONS RELATED TO CITIZEN PARTICIPATION IN INDIA

- **Election Commission of India:** The Election Commission of India is a constitutional body responsible for conducting free and fair elections in India. It plays a crucial role in ensuring citizen participation in the electoral process.
- **National Human Rights Commission (NHRC):** The NHRC is a statutory body established under the Protection of Human Rights Act, 1993. It investigates allegations of human rights violations and recommends remedial measures to the government. The NHRC also conducts awareness campaigns and promotes human rights education.

Other Institutions that Promote Citizens Participation in Governance

- State Vigilance Commission, 1964
- Lokayukta at state level
- Divisional Vigilance Boards
- National Consumer Disputes Redressal Commission
- Commission for SCs and STs
- Directorate of Public Grievances in the Cabinet Secretariat, 1988
- Anti-Corruption Bureau at state level
- Supreme Court and High Courts in states

- **Right to Information (RTI) Act:** The RTI Act, enacted in 2005, empowers citizens to request information from any government department or public authority. This act has been instrumental in promoting transparency and accountability in governance and has empowered citizens to participate in decision-making processes.
- **Gram Panchayats and Municipalities:** These are the local self-government institutions at the village and town level respectively. They play a vital role in planning and implementing development programmes at the grassroots level and provide a platform for citizen participation in local governance.
- **Civil Society Organisations (CSOs):** There are a large number of CSOs working in India on a wide range of issues including poverty, education, health, environment, and human rights. These organisations play a critical role in advocating for the rights of marginalised groups, raising awareness about important issues and mobilising citizens to participate in campaigns and movements.

LIMITATIONS RELATED TO CITIZEN'S PARTICIPATION IN GOVERNANCE

- **Individual-Level Limitations:**
  - **Knowledge and Information Gaps:** Citizens may lack the knowledge or information needed to meaningfully contribute to complex policy discussions.
  - **Time Constraints:** Busy schedules and competing priorities may limit citizen involvement in lengthy participatory processes.

- **Skills and Resources:** Effective participation may require specific skills like communication, negotiation, or critical thinking, which not everyone possesses.
- **Differing Interests and Motivations:** Diverse priorities and values within a community can create challenges in reaching consensus and ensuring inclusivity.

❑ **Systemic Limitations**

- **Unequal Access:** Socio-economic inequalities, limited communication channels, or geographical barriers can exclude marginalised groups from participation.
- **Institutional Constraints:** Rigid bureaucratic structures, limited resources or lack of political will within government can hinder genuine citizen participation.
- **Power Dynamics:** Unequal power relationships between citizens and authorities can lead to tokenistic participation or manipulation by elites.
- **Misinformation and Manipulation:** Fake news, propaganda, and online manipulation can distort information and undermine informed participation.

❑ **Logistical Limitations:**

- **Cost and Resource Limitations:** Effective participatory processes require resources for outreach, facilitation, and data analysis, which may be scarce.
- **Time Frame Constraints:** Rushing through participatory processes can hinder meaningful engagement and lead to suboptimal outcomes.
- **Language Barriers:** Linguistic diversity can create challenges in communication and ensuring everyone feels included.
- **Technical Limitations:** Lack of access to technology or digital literacy can exclude individuals from online participation platforms.

❑ **Addressing These Limitations:**

- **Investing in Civic Education and Capacity Building:** Empowering citizens with knowledge, skills, and resources to participate effectively.
- **Designing Inclusive and Accessible Participation Mechanisms:** Ensuring diverse voices are heard and represented through accessible communication channels and formats.
- **Promoting Transparency and Accountability:** Building trust through open communication, information sharing, and demonstrably responding to citizen concerns.
- **Utilising Technology Responsibly:** Leveraging online tools while addressing digital divides and mitigating misinformation risks.
- **Creating a Culture of Participation:** Fostering a society where active citizenship is valued and encouraged from a young age.

RELATIONSHIP BETWEEN PEOPLE'S PARTICIPATION AND GOOD GOVERNANCE

People's Participation Benefits Good Governance

❑ **Increased Legitimacy and Accountability:** When citizens actively participate in decision-making, they feel more invested in the process and outcomes, leading to increased trust and legitimacy for the government. Engaging the public in creating policy directly impacts them and assures accountability.

❑ **Improved Policy-Making:** Inclusive participation brings diverse perspectives and experiences to the table, leading to more informed, equitable, and effective policies that address the needs of the broader community. eg-

- The Mazdoor Kisan Shakti Sangathan's role in enacting the Right to Information Act, reflecting the needs of marginalised communities.

❑ **Enhanced Transparency:** Active citizen engagement fosters a culture of transparency, encouraging the government to disclose information openly and engage in public dialogue.For Example,

- Social audits in Tamil Nadu exposing irregularities in rural development projects, leading to corrective action.

❑ **Reduced Corruption and Misuse of Power:** When citizens are vigilant and empowered, they can act as watchdogs, holding officials accountable and reducing opportunities for corruption and abuse of power. For Example,

- The Whistleblower Protection Act of 2014 providing legal safeguards for those reporting corruption, leading to investigations and action against offenders.

❑ **Improved Service Delivery:** Participatory processes allow citizens to directly communicate their needs and priorities to the government, leading to more responsive and efficient service delivery. For Example,

- The Public Grievance Portal allows citizens to lodge complaints and monitor their progress, improving administrative accountability.

Good Governance Fosters People's Participation

❑ **Inclusive and Accessible Mechanisms:** Good governance creates accessible and inclusive platforms for participation, ensuring everyone has a voice, regardless of their background or social standing. For Example,

- **Gram Sabhas:** Village-level assemblies where rural communities discuss local issues and development plans.
- **Mahila Panchayats:** Women-led councils within Panchayats that address women's specific needs and promote their participation.

- **Empowerment and Capacity Building:** Effective governments invest in educating and empowering citizens, providing them with the knowledge, skills, and resources needed to participate meaningfully. For Example,
  - **National Voters' Day Education Campaigns:** Raise awareness about voting rights and responsibilities, encouraging increased participation.
  - **Swachh Bharat Abhiyan:** Includes training and capacity building programmes for Waste Management and Sanitation initiatives at the community level.
- **Responsive Communication and Feedback:** Good governance actively listens to citizen concerns and feedback, incorporating them into decision-making processes and communicating outcomes transparently. eg-
  - **Public Hearings and Gram Sabhas:** Regular forums for citizens to voice concerns and provide feedback on development projects.
  - **Praja Vani:** An initiative allowing citizens to directly interact with Chief Ministers and other government officials, addressing grievances and seeking solutions.
- **Protection of Rights and Freedoms:** A strong foundation of human rights and fundamental freedom creates an environment where citizens feel safe and empowered to express themselves and participate actively.eg-
  - **Constitution of India:** Guarantees fundamental rights like freedom of speech, assembly, and association, crucial for participation.
- **Investing in Civic Engagement:** Good governance recognizes the importance of civic engagement and invests in initiatives that promote active citizenship and participation from a young age. For Example,
  - **Integration of Civic Education in Schools:** Initiatives like Bharat Ko Janiye emphasize understanding the Constitution and democratic processes.

IGNITE YOUR MIND

In a small village in India, the introduction of a Gram Sabha empowered Sunita, a local teacher, to voice her concerns about the lack of educational resources. Inspired by the discussions, she initiated a community-led library, leveraging local support and resources. This move not only improved educational access but also sparked a wave of community-driven projects. Could this be the beginning of a nationwide movement towards self-reliance and participatory governance?

Challenges in Citizen Engagement

- **Overcoming Inequalities:** Ensuring equitable participation for all citizens requires addressing existing social and economic inequalities that may hinder marginalised groups from engaging effectively.
- **Combating Misinformation and Apathy:** Countering disinformation and encouraging active participation requires ongoing efforts to educate and motivate citizens.
- **Balancing Diverse Interests:** Finding consensus and navigating competing interests within a participatory process can be complex and require skilled facilitation and conflict resolution mechanisms.

Participatory Budgeting

What is Participatory Budgeting?

- The concept of "Participatory Budgeting" originated in the **Brazilian city of Porto Alegre** in 1989. This approach ensures that the diverse needs and experiences of local communities are comprehended, and a multitude of voices is considered in local decision-making processes.
- Participatory budgeting (PB) holds the potential to fundamentally alter the dynamics between local communities and the public institutions serving them.
- In India, **Janaagraha** pioneered participatory budgeting in cities, started in Bengaluru in 2001. However, it gained stronger roots in Pune, drawing inspiration from the Bengaluru experience and benefiting from more dedicated leadership.

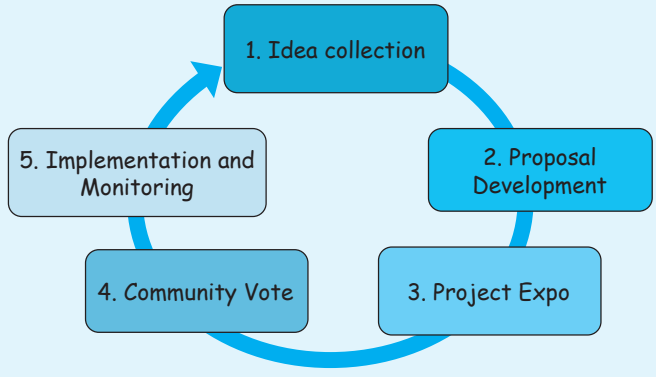


Fig 7.3: The process of Participatory budgeting

Benefits Of Participatory Budgeting

Participatory Budgeting (PB) fosters direct citizen involvement in governance, creating a platform for voicing needs and concerns. This empowers communities, bridging the gap between citizens and government. PB ensures diverse representation, promoting inclusivity and equity in resource allocation. By focusing on hyperlocal needs, PB leads to efficient resource use and improved project outcomes. It also enhances community ownership, encouraging responsibility for upkeep. Additionally, PB addresses inequalities and boosts accountability, ensuring fair resource distribution and transparent project delivery.

Factors that are essential for Participatory Budgeting

For successful Participatory Budgeting (PB) implementation, a clear operational framework is crucial, outlining the annual cycle and integration with the broader budget process. Governments need to provide institutional and financial support, demonstrating political will for sustained PB. PB should foster deliberation through open discussion platforms and ensure representation for all through inclusive participation strategies. Transparency is key, achieved through locally relevant data and technology. Partnering with civil society mobilizes expertise and strengthens PB initiatives.

Some examples of Participatory Budgeting (PB) in India

- **Kerala:**
  - **Pioneering the Movement:** Kerala was the first Indian state to implement PB in 1996, allocating up to 40% of the panchayat (local government) budget for community-driven projects.
  - **Success Stories:** Numerous successful projects have been implemented, ranging from constructing roads and bridges to building libraries and improving sanitation facilities.
- **Bengaluru:**
  - **MyCity MyBudget:** This initiative, launched in 2015, focuses on participatory budgeting in Bengaluru's wards.
  - **Addressing Local Needs:** Citizens have used PB funds for various projects, including improving parks, creating pedestrian zones, and installing streetlights.

CASE STUDIES OF SUCCESSFUL CITIZEN-LED INITIATIVES

- **Chipko Movement (1973-Present):**
  - **Context:** Deforestation in the Himalayan foothills threatened livelihoods and ecosystems. Women bore the brunt of dwindling resources like fuelwood and fodder.
  - **Action:** In 1973, women led by Gaura Devi and Chandi Prasad Bhatt initiated the Chipko movement, literally "embracing trees'' to prevent their felling. This nonviolent resistance captured the world's attention.
  - **Impact:** The movement led to government bans on logging in many areas, saving countless trees and inspiring similar movements globally. It empowered women in rural communities and raised ecological awareness.
  - **Challenges:** Continued pressure from timber industries, balancing conservation with community needs, and ensuring long-term protection of forests.
  - **Legacy:** Chipko remains a pioneering movement which demonstrates the power of peaceful resistance and community action for environmental protection. Its spirit continues to inspire activists worldwide.
- **Lok Biradari Prakalp: Healing Through Community Care:**
  - **Context:** Rural Maharashtra lacked access to quality healthcare, education, and sustainable livelihood opportunities. Marginalised communities faced neglect and hardship.
  - **Action:** Dr. Prakash Amte and his wife Mandakini Amte established a hospital in 1970s in Hemalkasa, Maharashtra. MKSS expanded, offering holistic healthcare, education, vocational training, and sustainable agricultural programmes.
  - **Impact:** Lok Biradari Prakalp has improved healthcare access for thousands, empowered marginalised communities like adivasis, and promoted sustainable living practices. It runs schools, farms, and workshops, creating a self-sufficient model for rural development.
  - **Challenges:** Securing funding, scaling up initiatives effectively and addressing complex social issues like poverty and discrimination.
  - **Legacy:** Lok Biradari Prakalp serves as a model for community-driven healthcare and development, demonstrating the importance of holistic approaches and empowering local communities for lasting change.
- **Sundarbans Honey Producers' Cooperative (SHPC): Sweet Success & Ecological Guardianship:**
  - **Context:** Honey collectors in the Sundarbans, India's largest mangrove forest, faced exploitation by middlemen and unsustainable honey collection practices.
  - **Action:** The SHPC was formed, uniting honey collectors to negotiate fair prices, adopt sustainable harvesting methods, and protect the Sundarbans ecosystem.
  - **Impact:** SHPC has empowered honey collectors, ensuring fair wages and better working conditions. Their sustainable practices protect the Sundarbans' delicate ecology and biodiversity.
  - **Challenges:** Educating collectors about sustainable methods, securing market access, and competing with exploitative practices.
  - **Legacy:** SHPC showcases how community-driven initiatives can achieve economic empowerment while protecting the environment. It serves as a model for sustainable resource management and collective action.

EMPOWERING TOOLS FOR DEMOCRATIC ENGAGEMENT

Civil Society

Civil Society encompasses a diverse range of entities, including organisations, community groups, non-governmental organisations (NGOs), labour unions, indigenous groups, charitable organisations, faith-based organisations, professional associations, and foundations, as defined by the World Bank. The term gained global prominence in the 1980s, particularly in Eastern Europe and Latin America, where it became associated with non-state movements challenging authoritarian regimes.It is essential to differentiate Civil Society from non-governmental organisations (NGOs). While NGOs are integral components of Civil Society, they assume a significant and at times leading role in fostering citizen participation in socio-economic development and politics, as well as influencing policy. Civil Society, however, extends beyond NGOs, encompassing all organisations and associations existing outside the realms of both the state and the market.

Features of Civil Society

- **Voluntary Participation:** Individuals freely choose to be involved, driven by shared goals and passion.
- **Non-Profit Motivation:** Primarily focused on social good, not driven by maximising profit.
- **Pluralism and Diversity:** Encompasses a wide range of groups with varied interests and approaches
- **Accountability:** Responsible to members, beneficiaries, and the broader public.
- **Independence:** Operates autonomously from the government and business sectors.
- **Advocacy and Representation:** Gives voice to marginalised groups and promotes their interests.
- **Innovation and Experimentation:** Develops and implements new solutions to social challenges.
- **Collaboration:** Builds partnerships and alliances to achieve shared goals.
- **Education and Awareness Raising:** Informs and empowers citizens on critical issues.
- **Community Building and Social Cohesion:** Fosters connections and strengthens social bonds within communities.

Types of Civil Societies in India

Classified into Following Broad Categories (As Given in 2nd ARC)

- **Registered Societies formed for specific purposes:**
- **Charitable organisations and Trusts:** Entities dedicated to philanthropy, providing aid, and supporting various social causes and humanitarian efforts.
- **Local Stakeholders Groups, Microcredit and Thrift Enterprises, SHGs:** They are informal or formal groups comprising individuals with a vested interest in a particular community or issue. They represent the voices and concerns of their respective communities and play a crucial role in local development and decision-making.
- **Professional Self-Regulatory Bodies:** Organisations representing specific professions or industries, advocating for professional standards and interests.
- **Cooperatives :** Cooperatives are people-centred enterprises owned, controlled, and run by and for their members to realise their common economic, social, and cultural needs and aspirations.
- **Bodies without Having Any Formal Organisational Structure.**
- **Government Promoted Third Sector Organisations.**

Broader Classification of All Non-Government and Not-for-Profit Organisations

- **Civil Rights and Liberties Advocacy Organisations.**
- **Community Based Organisations, Citizen's Groups, Farmers' Cooperatives.**
- **Business and Industry Chambers of Commerce:** A chamber of commerce is an association or network of businesspeople designed to promote and protect the interests of its members.
- **Labour Unions:** Organisations representing workers and employee interests, advocating for labour rights and workplace conditions.
- **International Peace and Human Rights Organisations:** Groups dedicated to the protection and promotion of human rights, often addressing issues of justice and equality.
- **Media and Communication Organisation:** Entities involved in media, journalism, and communication that contribute to public awareness and information dissemination.
- **National Resources Conservation and Protection Organisations:** Eg: IUCN
- **Private and Public Foundations:** A private foundation is a non-profit charitable entity typically created and funded by a single benefactor. This benefactor can be an individual, family, or business.

IGNITE YOUR MIND

How can civil society better leverage the complex challenges of the 21st century, ensuring that the voices of the most marginalised are not only heard but are instrumental in shaping policy and societal norms?

India's National Voluntary Sector Policy of 2007

India's National Voluntary Sector Policy of 2007 (NVSP 2007) stands as a landmark commitment to empowering and fostering a vibrant civil society within the nation. Recognizing the crucial role these organisations play in social, cultural, and economic development, it aims to nurture a sector that is independent, innovative, and impactful.

The policy acknowledges the remarkable contributions of civil society organisations (CSOs) in addressing complex challenges like poverty, discrimination, and exclusion. From raising awareness to delivering services, training, and advocating for change, CSOs have been instrumental in bridging the gap between the people and the government.

Significance of Civil Society in Governance

- **Mobilising Resources:**
  - **Leveraging Private Wealth:** Recognizing the tradition of philanthropy, the government aims to support new and existing institutions that channel private funds to deserving civil societies.
  - **Encouraging Collaboration:** Promoting dialogue between public and private funders ensures best practices in grant-making and fundraising strategies.
- **Promoting Transparency and Accountability:**
  - **Setting Internal Benchmarks:** The government acknowledges the diverse nature of civil societies and encourages internal efforts towards transparency and accountability within each organisation.
  - **Support Networks and Best Practices:** Recognizing the need for guidance, the government supports organisations that help civil societies adopt effective governance norms.
  - **Celebrating Excellence:** Public recognition of best practices motivates other civil societies to strive for higher standards.
- **Investing in Capacity Building:**
  - **Addressing Training Needs:** Understanding the scarcity of affordable training, the government encourages organisations that provide quality training opportunities for individuals working in the sector.
  - **Utilising Existing Resources:** Making government training facilities available demonstrates tangible support for capacity building.
- **Filling the Gaps:**
  - While economic growth is crucial, traditional state and market-driven models often fall short in ensuring equitable, sustainable, and inclusive development.
  - This is where CSOs step in and act as vital partners in addressing neglected areas and promoting holistic progress.
- **Fostering Innovation:**
  - **Recognizing Pioneering Work:** The government acknowledges the importance of innovation in problem-solving and actively encourages and recognizes groundbreaking efforts by civil societies.
- **Enhancing Communication and Collaboration:**
  - **Developing Databases:** Creating and updating databases connects civil societies with each other, as well as with public and private sectors, facilitating communication and collaboration.
  - **Improving Information Access:** Redesigning government websites provides easy access to crucial information, empowering civil societies with knowledge about policies and programmes.
- **Encouraging Volunteerism:**
  - **Engaging Citizens:** Promoting opportunities for volunteering in public services strengthens community engagement and fosters a sense of ownership.
- **Collaborative Powerhouse:**
  - By fostering cooperation and shared vision, CSOs empower individuals and communities to become active participants in nation-building.
  - This collaborative spirit aligns perfectly with the democratic ideal, upholding guarantee of association and expression as provided by Article 19(1).
- **Bridging the Divide:**
  - Operating outside the confines of state and market, CSOs possess the unique ability to engage with, influence, and hold them accountable.
  - This "watchdog" function ensures both institutions remain responsive to citizen needs and uphold human rights.
- **Enhancing Good Governance:**
  - India's representative democracy requires bridges between the government and the people. CSOs become crucial facilitators of this interaction.
  - By raising awareness, voicing concerns and engaging in constructive dialogue, they ensure better representation and responsiveness from the government.
- **Promoting Democracy and Rule of Law:**
  - Civil society plays a vital role in promoting democratic values and the rule of law by holding governments accountable for their actions and ensuring adherence to legal and constitutional principles.
- **Enhancing Government Accountability:**
  - By scrutinising government policies, actions, and expenditures, civil society helps maintain accountability and transparency, reducing the potential for corruption and abuse of power.

- **Facilitating Citizen Participation:**
  - Civil society organisations provide platforms for citizen engagement, enabling individuals to voice their concerns, participate in decision-making processes, and contribute to shaping policies.

Limitations of Civil Society

- **Internal Challenges:**
  - **Lack of Transparency and Accountability:** Some CSOs struggle with internal governance issues, raising concerns about transparency and accountability within their own structures.
  - **Limited Representation and Diversity:** Not all groups within society may have equal access to or voice within CSOs, potentially perpetuating existing inequalities.
  - **Competition and Internal Conflicts:** Competition for resources and differing agendas can lead to internal conflicts, hindering collective action and impact.
- **External Constraints:**
  - **Government Restrictions:** Authoritarian tendencies or restrictions on freedom of assembly and expression can stifle CSO activity and limit their effectiveness.
  - **Skill and Capacity Gaps:** Some CSOs may lack the expertise, infrastructure, or resources to effectively implement their initiatives and achieve lasting change.
- **Systemic Obstacles:**
  - **Deep-Rooted Inequalities:** Embedded social and economic inequalities can limit the reach and impact of CSOs working towards social justice and equity.
  - **Complex Policy Environments:** Navigating complex and bureaucratic policy landscapes can be challenging for CSOs, hindering their ability to influence decision-making.
  - **Sustainability Concerns:** Long-term financial sustainability can be difficult for CSOs, impacting their ability to plan and invest in long-term solutions.
- **Resource Dependence:**
  - Dependency on funding from governments, corporations, or foreign donors can lead to compromises in agendas and priorities, creating power imbalances.

NGOs and Their Contribution to Governance

Introduction

Non-Governmental Organisations (NGOs) stand as dynamic and essential entities in the global landscape, driven by a commitment to social welfare and humanitarian causes. Operating independently of government affiliations, NGOs play a crucial role in addressing diverse issues, from poverty alleviation to environmental conservation. These organisations are characterised by their non-profit nature and dedication to fostering positive change. With a focus on advocacy, service delivery, and community development, NGOs bridge gaps in societal needs, providing a platform for citizens to actively contribute to impactful initiatives.

Know the term

- Quasi-governmental organizations (QGOs) are business entities that are funded by the government but managed privately.
- They have both public and private characteristics, and they are neither a governmental agency nor a private business.

Definition of NGOs

- NGOs, as defined by the World Bank, are "private organizations that pursue activities to relieve suffering, promote the interests of the poor, protect the environment, provide basic social services or undertake community development.".
- These organisations operate independently of the government, possess legal recognition, and are registered under the act, such as the **Societies Registration Act of 1860**.
- In the Indian context, the term NGO encompasses a diverse range of entities, including non-governmental, quasi-governmental, voluntary, or non-voluntary organisations.

Frameworks of NGOs in India–Societies, Trusts and Charitable Companies

Societies	Societies are registered under the Societies Registration Act, 1860.
Trusts	Private trusts are registered under the Indian Trusts Act, 1882 and Public trusts are governed by state-specific legislation.
Charitable Companies	They are set up according to section 8 of the Companies Act, 2013. They have to pay Income tax under the Income Tax act 1961. For charitable companies, the compliance requirements are high, as loans and advances are easily available to them compared to a trust or a society.

Why do we need NGOs in India?

- Since India gained independence, it has witnessed remarkable economic growth in areas such as education, healthcare, poverty reduction and overall living standards.
- However, challenges persist in the form of the exclusion of women, children, and marginalised communities from the development process.

- According to the 2021-2022 **Human Development Report (HDR), India ranks 132 out of 191 countries.** The data reflects ongoing disparities.
- **India ranks 111 out of a total of 125 countries in the Global Hunger Index (GHI) 2023.** This indicates the severity of hunger.
- In this context, NGOs can play a pivotal role in advocating for the concerns of the people, betterment of people's life and ensuring that minority groups are not overlooked.
- For effective and inclusive development, the state requires the constructive and collaborative engagement of civil society in its various developmental activities and programmes. Non-governmental organisations (NGOs) serve as the operational arm of civil society, playing a crucial role in shaping and implementing development processes.

Differences Between Civil Society and NGOs

Feature	Civil Society	NGO
Definition	Broad term encompassing all non-state, non-market associations and networks focused on social engagement.	Formal organisations (usually non-profit) established to address specific social, political, environmental issues and right issues.
Scope	Encompasses a wide range of actors, including NGOs, community groups, social movements, informal networks, etc.	Specific and focused on particular areas of work.
Structure	Can be formal or informal, with varying degrees of organisation and hierarchy.	Typically have a formal structure with a board of directors, staff, and volunteers.
Accountability	Accountable to a diverse range of stakeholders, including members, beneficiaries, and the broader public.	Primarily accountable to their founders, board of directors, and donors.
Independence	Ideally operates independently from the government and market forces.	Can be independent, but some NGOs may receive government funding or collaborate with businesses, potentially impacting their independence.
Examples	Trade unions, faith-based groups, community gardens, social movements, self-help groups.	Amnesty International, Greenpeace, Oxfam, Doctors Without Borders.

Legislation Regulating the finances of NGOs

- **Foreign Contribution (Regulation) Act (FCRA), 2010:**
  - The regulation of foreign funding for voluntary organisations in India is governed by the FCRA (Foreign Contribution Regulation Act), overseen by the Ministry of Home Affairs.
  - These regulations are in place to ensure that entities receiving foreign contributions strictly adhere to the intended purposes for which such funds are obtained.
  - According to the act, organisations are required to undergo registration every five years.
- **Foreign Exchange Management Act, 1999:**
  - The Foreign Exchange Management Act (1999) seeks to consolidate and amend the legislation related to foreign exchange, aiming to facilitate external trade and payments and promote the orderly development and maintenance of the foreign exchange market in India.
  - Under FEMA, a financial transaction is referred to as a fee or salary, while the same type of transaction under FCRA is termed a grant or contribution.
  - This move was intended to centralise the monitoring and regulation of all NGOs receiving foreign contributions, ensuring that a single overseeing entity monitors the flow of foreign funds to these organisations for enhanced efficiency and control.
- **Recent Amendments:**
  - **FCRA Amendments (2020):**
    - Reduced cap on administrative expenses from 50% to 20% of foreign donations.
    - Mandated opening a single designated SBI account for receiving foreign funds.
    - Banned sub-granting of foreign funds to other NGOs, impacting collaborative work.
    - Increased government powers to cancel licences with concerns about limited due process.
  - **Taxation Amendments (Budget 2023):**
    - Limited tax deduction to 85% for donations made to other registered trusts/institutions, potentially impacting resource allocation.
    - Clarified rules on corpus utilisation and exit tax for non-compliant organisations.

Emergence and Growth of NGOs

- **Pre-Independence Era:**
  - **Social Reform Movements:** The pre-Independence period in India saw the emergence of social reform movements led by influential leaders such as Raja Ram Mohan Roy and Jyotirao Phule. These movements laid the groundwork for social change and set the stage for the role of NGOs in addressing societal issues.
  - **Philanthropic Initiatives:** Some individuals and groups initiated philanthropic efforts to address issues like education, healthcare, and poverty. These early initiatives can be considered as precursors to the later development of NGOs.
  - **Nationalist Movements:** The struggle for independence itself can be seen as a collective effort led by various groups and individuals. While not typical NGOs in the contemporary sense, these movements laid the foundation for later civil society engagement.

Constitutional Provisions for NGOs in India

- **Article 19(1)(c)** on the Right to form Associations;
- **Article 43** which highlights the State's having an endeavour to promote cooperatives in rural areas;
- **Concurrent List in Entry 28 mentions about –** Charities and charitable institutions, charitable and religious endowments and religious institutions".

- **Post-Independence Era:**
  - **Voluntary Sector Development:** The post-Independence period witnessed a surge in the formation of voluntary organisations and NGOs. The Nehruvian era encouraged citizens to actively participate in nation-building, fostering the growth of civil society organisations.
  - **Community Development Programs:** The government initiated community development programs that encouraged local participation and involvement. NGOs played a role in implementing these programs, marking a collaboration between the government and civil society.
  - **Emergence of Sector-Specific NGOs:** Over time, NGOs began to specialise in addressing specific issues such as environmental conservation, women's rights, healthcare, and education. This diversification showcased the adaptability and responsiveness of NGOs to evolving societal needs.
  - **Legal Framework:** The regulatory environment for NGOs in India evolved with the introduction of the Societies Registration Act (1860) and later the Foreign Contribution Regulation Act (FCRA) in 1976, which regulated foreign funding.
  - **Rural Development Initiatives:** NGOs played a crucial role in rural development through initiatives like watershed management, sustainable agriculture, and empowerment of marginalised communities. Many NGOs collaborated with government agencies to implement these programmes.
- **Evolution of Government Institutions:**
  - **Ministry of Social Justice and Empowerment:** Post-independence, the Ministry of Social Justice and Empowerment was established to address the social issues and challenges faced by marginalised communities. It collaborated with NGOs to implement welfare programmes.
  - **NITI Aayog (formerly Planning Commission):** The Planning Commission, later replaced by NITI Aayog, collaborated with NGOs to formulate and implement development plans. This partnership aimed at achieving sustainable and inclusive growth.
  - **National Rural Health Mission (NRHM):** Government initiatives like NRHM sought to improve healthcare in rural areas by partnering with NGOs. This collaboration aimed at addressing healthcare challenges in a more decentralised and participatory manner.
  - **National Skill Development Corporation (NSDC):** In recent years, institutions like NSDC have collaborated with NGOs to enhance skill development initiatives, contributing to employment generation and economic empowerment.

Significance of NGOs in Governance

Non-governmental organisations (NGOs) play a crucial role in promoting democracy and participatory governance beyond simply delivering services. They act as watchdogs, bridges, and amplifiers, ensuring inclusivity, accountability, and citizen engagement in the democratic process.

- **Promoting Democracy:**
  - **Advocacy for democratic values:** NGOs advocate for fundamental rights like freedom of speech, assembly, and association, which are essential pillars of a functioning democracy.
  - **Holding governments accountable:** Through monitoring, reporting, and raising public awareness, NGOs ensure governments remain transparent and responsive to citizens' needs.
  - **Civic education and voter empowerment:** NGOs conduct voter education campaigns, promote informed participation, and encourage marginalised groups to engage in the political process.
  - **Supporting independent media:** Many NGOs support independent media outlets, fostering critical scrutiny and ensuring diverse voices are heard.
  - **Example:** People's Union for Civil Liberties, Association for Democratic Reform, PRS India

- **Enhancing Participatory Governance:**
  - **Building community capacity:** NGOs train and empower local communities to understand their rights, participate in decision-making processes, and hold local authorities accountable. E.g., in tackling human trafficking, child labour etc.
  - **Facilitating dialogue and consensus building:** NGOs act as neutral platforms for open dialogue between diverse stakeholders, fostering collaboration and consensus building.
  - **Implementing participatory initiatives:** NGOs design and implement participatory budgeting, community monitoring, and other initiatives that directly involve citizens in governance.
  - **Amplifying marginalised voices:** NGOs represent and advocate for the needs and concerns of marginalised groups who are often excluded from traditional power structures.
  - **Example: Mahila Housing Sewa Trust (MHT)** works with women in urban slums to secure housing rights, promote community participation, and improve living conditions.
- **Addressing Critical Issues:**
  - **Combating exploitation:** NGOs collaborate with the government to tackle crucial social issues like human trafficking and child labour through capacity building and awareness campaigns.
  - **Social development champions:** They provide valuable feedback and conduct performance audits, improving the effectiveness of government development policies.
  - **Example: Pratham's ASER reports** highlight disparities in education.
- **Amplifying Voices and Building Trust:**
  - **Voice for the voiceless:** NGOs advocate for the needs of marginalised communities who may have limited access to decision-making processes.
  - **Building trust:** They often enjoy greater public trust than government officials, allowing them to effectively engage communities and promote social change.
  - **Example:** The **Naz Foundation's** role in decriminalising homosexuality
- **Empowering Women and Youth:**
  - **Breaking down barriers:** NGOs work towards removing gender and age-based discrimination, creating opportunities for women and youth to participate meaningfully in leadership and decision-making processes.
  - **Providing platforms for leadership:** Organisations offer training, mentorship, and support networks to equip women and youth with the skills and confidence to participate effectively in governance.
  - **Promoting intergenerational dialogue:** NGOs facilitate constructive collaboration between different age groups, bridging generational divides and ensuring diverse perspectives are considered.
- **Bridging the Digital Divide:**
  - **Promoting digital literacy:** NGOs train communities on using technology for accessing information, engaging in digital governance platforms, and holding officials accountable online.
  - **Developing innovative tools:** NGOs create and implement technology-based solutions for citizen engagement, participatory budgeting, and monitoring government programmes.
  - **Advocating for equitable access:** NGOs advocate for policies and infrastructure that ensure affordable and inclusive access to the internet and digital tools for all citizens.
  - **Example:** Women Who Code (WWCode) Delhi, Digital Didi by Digital Empowerment Foundation (DEF)

Challenges Faced by NGOs in Governance

While NGOs play a vital role in addressing social challenges and enhancing governance, they often face various hurdles that hinder their effectiveness:

- **Legal and Regulatory Constraints:**
  - **Foreign Contribution Regulation Act (FCRA):** Stricter regulations and limitations on receiving foreign funding (e.g., mandatory single account, reduced administrative expenses) have significantly impacted operational capacity and funding stability for many NGOs.
  - **Complex Registration Process:** Navigating lengthy and bureaucratic registration procedures creates unnecessary delays and discourages smaller NGOs from entering the space.
  - **Restrictions on Activities:** Certain laws and regulations limit the scope of NGO activities, particularly in sensitive areas like human rights or advocacy, curtailing their impact.
- **Funding Issues and Sustainability:**
  - **Over-reliance on Grants:** Dependence on donations and grants creates funding uncertainties and challenges long-term planning. Sustaining operations and scaling up initiatives becomes difficult.
  - **Limited Access to Diverse Funding Sources:** Lack of access to corporate partnerships, social impact investments, and innovative fundraising methods restricts financial stability and diversification.
  - **Challenges in Measuring Impact:** Demonstrating clear and quantifiable impact to attract and retain funders can be challenging for NGOs working on complex social issues.
- **Operational Challenges:**
  - **Limited Capacity and Expertise:** Smaller NGOs often lack the human resources and technical expertise

to manage complex projects and ensure efficient operations.

- **Compliance Burden:** Meeting stringent reporting requirements and adhering to evolving regulations can be time-consuming and resource-intensive, diverting focus from core activities.
- **Challenges in Collaboration:** Complexities in forming and sustaining effective partnerships with other NGOs, government agencies, and private sector entities can hinder coordinated action and impact.

❑ **Additional Challenges:**

- **Negative Perceptions and Stereotypes:** Misconceptions about NGO motives and potential misuse of funds can create public distrust and hamper their work.
- **Political Interference and Restrictions:** In some contexts, NGOs face pressure or restrictions from the government, impeding their ability to operate freely and advocate for critical issues.
- **Technological Challenges:** Adapting to evolving technological landscapes and leveraging technology effectively for fund-raising, communication, and programme delivery can be challenging for resource-constrained NGOs.

IGNITE YOUR MIND

"In the delicate dance between an NGO's board and its leaders, who holds the baton of power? How can we harmonise their roles to create a symphony of effective governance?"

Examples of Successful Collaboration

❑ **Global Examples:**

- **Millennium Development Goals (MDGs):** A collaborative effort between UN agencies, governments, NGOs, and civil society achieved significant progress in areas like poverty reduction, child mortality, and maternal health.
- **Global Fund to Fight AIDS, Tuberculosis and Malaria:** This public-private partnership, involving governments, NGOs, private sector entities, and affected communities, has saved millions of lives through disease prevention, treatment, and research.
- **Red Cross and Red Crescent Movement:** These international organisations collaborate with governments and local communities to provide disaster relief, healthcare, and social services around the world.

❑ **India-Specific Examples:**

- **Swachh Bharat Abhiyan (Clean India Mission):** This government initiative partnered with NGOs, community groups, and individuals to improve sanitation and hygiene across India. E.g: **Sulabh International**
- **National Tiger Conservation Authority (NTCA) and NGOs:** Collaborations with NGOs like **WWF-India** and **Wildlife Trust of India** play a crucial role in tiger conservation efforts through anti-poaching patrols, habitat management, and community engagement.
- **Digital Seva Samiti and Government of Andhra Pradesh:** This NGO partnered with the state government to develop **Mee Seva** - an online platform for accessing government services, improving transparency and efficiency.
- **Education:** In India, the **Akshaya Patra Foundation** partners with the government to provide nutritious mid-day meals to millions of schoolchildren, improving their attendance and overall health.
- **Healthcare:** The Gates Foundation collaborated with the Indian government to eliminate polio, demonstrating the effectiveness of joint efforts in public health initiatives.

NGO-DARPAN

❑ It is a platform that connects Voluntary Organizations (VOs) and Non-Government Organizations (NGOs) with government ministries, departments, and bodies. It's a free service offered by the NITI Aayog to help create a partnership between the government and the voluntary sector

State Versus NGOs

❑ **NGO Proliferation:**

- The NGO sector in India has experienced significant growth, with an estimated 1 NGO for every 600 citizens, according to the CBI.
- This proliferation suggests a vibrant civil society but raises concerns about accountability.

❑ **Accountability Deficit:**

- CBI's conservative estimate points to an accountability deficit within the NGO sector.
- Many NGOs fail to submit details of grant receipts and spending to tax officials, indicating a lack of transparency.

❑ **State Regulatory Mechanism:**

- States like Andhra Pradesh, Bihar, Delhi, Haryana, Karnataka, Rajasthan, West Bengal, Odisha, Tamil Nadu, Chhattisgarh, and Himachal Pradesh lack comprehensive details about NGOs operating in their territories.
- This reveals gaps in the regulatory mechanism overseeing NGOs at the state level.

- **Supreme Court Intervention:**
  - In 2017, the Supreme Court directed the government to audit **30 lakh NGOs** and voluntary organisations receiving public funds but failing to account for their spending.
  - This intervention underscores the need for stringent oversight and financial scrutiny within the sector.
- **CBI Report on Compliance:**
  - A CBI report, compiling data from 32 lakh NGOs, revealed that only 10 percent filed annual income and expenditure statements.
  - This indicates a widespread lack of compliance with basic financial reporting requirements.
- **Intelligence Bureau's Allegations:**
  - The Intelligence Bureau accused "foreign-funded" NGOs of serving as tools for foreign policy interests, sponsoring agitations against nuclear and coal-fired power plants, and anti-GMO movements.
  - The allegation suggests a possible alignment of certain NGOs with external interests, impacting national development.
- **Impact on GDP Growth:**
  - The Intelligence Bureau report claimed that certain NGOs, through local networks, were negatively impacting **GDP growth by 2–3%.**
  - This raises concerns about the economic consequences of unchecked NGO activities.
- **Government Crackdown:**
  - In 2015, the Government of India shared a list of over 42,000 NGOs with the **Financial Intelligence Unit (FIU)** to curb suspicious foreign funding.
  - This action reflects a government initiative to ensure compliance with the **Foreign Contribution Regulation Act (FCRA), 2010.**
- **Sectoral Classification:**
  - The government, for the first time, clearly defined sectors, including Christian missionaries and Hindu, Sikh, and Muslim religious groups, receiving foreign contributions.
  - This classification aims to bring clarity and transparency to the areas in which funds are claimed to be utilised by NGOs.
- **Money Laundering Concerns:**
  - There is a suspicion that money launderers could exploit the legitimate NGO route to wire illicit funds.
  - This underscores the importance of robust oversight mechanisms to prevent misuse of the NGO sector for financial malfeasance.

Suggestions to improve working of NGOs

- **Liberalise Grant Regulations:** Government should consider relaxing rules for grants-in-aid to NGOs, enabling them to access more funding for their initiatives.
- **Enhanced Oversight Mechanism:** Establish commissions or committees to scrutinise fund utilisation by NGOs, ensuring transparency and preventing misuse of resources.
- **Public Awareness Campaigns:** Engage young graduates in organising public seminars, meetings, and utilise local media to promote the significance of volunteerism and share success stories of NGOs.
- **Academic Collaboration:** Foster collaboration between universities, colleges, and schools with NGOs, facilitating campus interviews for graduates interested in volunteerism. Encourage participation in voluntarism from early education through programmes like NSS and NCC.
- **Rural Focus and Incentives:** Recognize the importance of rural operations for NGOs, particularly in a country where 65% of the population resides in rural areas. Provide special provisions and eligibility conditions for grants to NGOs working in rural communities.
- **Quality Recognition:** Encourage NGOs to uphold high service standards by recognizing and rewarding those that excel, motivating others through awards and additional grants.
- **Revise Personnel Compensation:** Revise pay scales and allowances for NGO personnel to align with the importance of their work. Allocate special funds for training personnel at the grassroots level.
- **Utilise Technology:** Promote the adoption of modern technologies such as the internet and websites for fundraising, establishing collaborations, advertising products and recruiting efficient personnel within the NGO sector.

Pressure Groups

Introduction

Pressure groups are individuals voluntarily organising to advocate for and safeguard their shared interests. Their objective is to influence public opinion and government policies in favour of their members by applying external pressure. These groups employ legal and legitimate methods, including lobbying, correspondence, petitioning, public debates, and discussions with legislators, to impact government policy-making and implementation.

Characteristics of Pressure Groups

- **Specific Interest Focus:** Pressure groups organise themselves around particular interests, establishing power structures within the political system to advocate and safeguard those specific concerns.

- **Diverse Methodologies:** Utilising both modern and traditional methods, pressure groups employ various techniques, including financing political parties, endorsing candidates in elections, and ensuring the satisfaction of bureaucratic entities. Traditional methods involve exploiting sentiments related to caste, religion, and creed to advance their objectives.
- **Arise from Pressure and Resource Demands:** Pressure groups emerge in response to heightened competition for limited resources and conflicting demands from different societal segments, creating increased pressure for attention and resources.
- **Response to Political Party Inadequacies:** Primarily born out of the inadequacies and limitations of political parties in addressing specific interests and issues, pressure groups fill the gaps by focusing on more specific and targeted concerns.
- **Reflection of Changing Consciousness:** Changes in various aspects such as food production, industrial goods, or societal perspectives, can lead to shifts in individuals' and groups' worldviews. Increased production often triggers demands, protests, and the formation of new pressure groups.

Types of Pressure Groups

- **Institutional Interest Groups:**
  - Formal groups comprising professionals employed within government entities, including political parties, legislatures, armies, and bureaucracies.
  - These groups express their concerns through constitutional means and adhere to established rules and regulations.
- **Associational Interest Groups:**
  - Specialised groups formed to advocate for specific interests and limited goals.
  - Trade unions, organisations of businessmen and industrialists, civic groups.
  - They operate within defined parameters to represent specific interest categories.
- **Anomic Interest Groups:**
  - Groups emerging spontaneously from society, engaging in direct political activities such as riots, demonstrations, and assassinations.
  - These groups reflect a form of unstructured, unpredictable political engagement.
- **Non-Associational Interest Groups:**
  - The groups with informal structures articulating interests based on kinship, lineage, ethnicity, region, status, and class.
  - Caste groups, language groups, and various community-based associations.
  - They represent diverse interests outside formal organisational frameworks.

Role in Public Policy making

- **Advocacy for Public Demands:** Pressure groups effectively articulate the demands and needs of their constituents, especially when these issues lack political significance. An instance is the Indian Federation of App-Based Transport Workers filing a petition in the Supreme Court seeking social security benefits for gig workers.
- **Advisory Function:** Governments often seeks advice from pressure groups on significant policy matters of a commercial and economic nature. Acting as a two-way communication channel, pressure groups, such as the Confederation of All India Traders and Retail Association of India, have notably influenced the government's e-commerce policies.
- **Legislative Influence:** In the legislative process, pressure groups actively engage in lobbying with legislators to shape desired laws or amendments. Notable examples include the All-India Trade Union Congress, Centre of Indian Trade Unions, and Hind Mazdoor Sabha, which have played key roles in finalising labour codes.
- **Policy Evaluation:** Pressure groups critically evaluate laws, rules, decisions, and policies that directly or indirectly impact the interests they represent. The protests by farmer unions and farmer producer organisations against the three farm laws in 2021 resulted in the government repealing those laws.
- **Enhancing Social Cohesion:** By providing a "safety valve" for individual and collective grievances and demands, pressure groups contribute to increased social cohesion and political stability.
- **Public Opinion Formation:** Playing a leading role in shaping public opinion, pressure groups influence the government through mechanisms such as op-eds in newspapers, meetings with the political class, sloganeering, sit-ins, road- and rail-blockades. These efforts have led to decisions like farm loan waivers.

Limitations of Pressure Groups

- **Undue Influence on Government:**
  - **Silencing the Majority:** Powerful and articulate groups can lobby for their interests, potentially drowning out the voiceless majority.
  - **Example:** The Farm Laws repeal, highlighted by the Supreme Court-appointed panel, could be seen as favouring a vocal minority over the silent majority who might have supported the reforms.
- **Internal Conflicts and Partisanship:**
  - **Conflicts of Interest:** Internal power struggles or vested interests within groups can undermine the issues they represent.
  - **Example:** Trade unions might be influenced by internal politics, jeopardising the welfare of the workers they claim to represent.

- **Resistance to Change and Protectionism:**
  - **Trade Union Conservatism:** Unions sometimes advocate for protectionist policies or resist necessary reforms, hindering economic progress.
  - **Example:** Protests against farm laws could stem from a preference for existing structures despite potential benefits of reform.
- **Intransigence and Disruption:**
  - **Uncompromising Tactics:** Prolonged protests or disruptive actions can alienate the public and damage the cause.
  - **Example:** The intransigence displayed during some farm law protests might have weakened public support for the movement.
- **Foreign Interference and Security Concerns:**
  - **External Manipulations:** Groups susceptible to foreign influence can pose threats to national security and sovereignty.
  - **Example:** The "toolkit" controversy raised concerns about external attempts to manipulate protests.

Difference between Political Party and Pressure Group

Feature	Political Party	Pressure Group
Primary Objective	Gaining political power and implementing policies	Influencing government policies
Focus	Broad range of societal issues	Specific issue or set of issues
Membership	Open to anyone who agrees with the party's ideology	Membership based on shared interest in the issue
Structure	Hierarchical with formal leadership and organisational structure	Varies, can be formal or informal with varying degrees of leadership
Activities	Campaigning, fund-raising, organising rallies, lobbying Lobbying, public	awareness campaigns, protests, legal action
Accountability	Accountable to voters and party members	Accountable to its members and potentially the public
Legality	Must operate within legal and electoral regulations	No specific legal regulations, but activities may be subject to laws regarding lobbying, protests, etc.

Cooperatives

A cooperative society typically emerges as a voluntary association initiated by individuals from underprivileged or vulnerable groups. It constitutes a free and voluntary organisation with the objective of enhancing the well-being of its members. Such an entity is created by individuals who share common goals and are united by similar aspirations.

Evolution of Cooperatives In India

- **Origin in Agriculture and Related Sectors:** The genesis of India's cooperative movement can be traced back to the late nineteenth century when rural indebtedness and the challenges faced by farmers laid the groundwork for the emergence of chit funds and cooperative societies.
- **Response to Rural Problems:** Farmers perceived the cooperative movement as a solution to address common challenges, such as credit issues, input supply constraints, and the marketing of agricultural products. They viewed cooperation as a means to pool their limited resources for mutual benefit.
- **Legislative Developments:** Significant legislative steps were taken during the British regime to shape the cooperative landscape in India. **The Cooperative Credit Societies Act of 1904 and and its amendment in 1912** played a pivotal role. Constitutional reforms in 1919 and recommendations from committees like the Royal Commission on Agriculture (1928) and the Committee on Cooperative Planning (1945) further contributed to the organisational structure of cooperatives in India.

Constitutional Provisions

- Article 19(1)(c) states that the Right to form cooperative societies is a Fundamental Right.
- The Constitution (97th Amendment) Act, 2011
  - In Part III of the constitution, after the words "or unions" the words "Cooperative Societies" was added.
  - In Part IVA, a new Article 43B was inserted, which says: ``The state shall endeavor to promote voluntary formation, autonomous functioning, democratic control and professional management of the co-operative societies".
  - Part IXA of the constitution, a Part IXB was inserted to accommodate state vs center roles.

Significance of Cooperative sector

- **Rural Economic Upliftment:** Cooperatives extend their reach to **approximately 97%** of Indian villages, playing a pivotal role in the rural economy. Notably, around **19% of agricultural credit** is disbursed through cooperative channels.

Amul Success story

- Amul isn't just a brand; it is a revolution etched in India's dairy landscape. In 1946, spurred by Dr. Verghese Kurien's vision, farmers in Gujarat united to form the apex cooperative organization known as the Gujarat Co-operative Milk Marketing Federation Ltd. (GCMMF), laying the foundation for what we now know as Amul.
- Amul's unique strength lies in its cooperative structure, where 3.64 million milk producers in Gujarat are not just suppliers, but owners and shareholders. This ensures fair prices for their milk, incentivizing quality production and empowering these families.

- **Economies of Scale:** The cooperative sector has effectively cultivated economies of scale, exemplified by the dairy industry, where over 45,000 cooperatives boast nearly 60 lakh members.
- **Inclusive Growth Facilitator:** Instrumental in preventing concentrated economic power, cooperatives promote wider ownership of productive capital, fostering inclusive growth.
- **Significant Role in Fertilizer Distribution:** The Indian Farmers Fertiliser Cooperative Ltd.(IFFCO), consisting of over 40,000 cooperatives, has established an extensive network, reaching more than 5.5 crore farmers.
- **Promotion of Organic Farming:** Exemplifying the cooperative spirit, the Sittilingi Organic Farmers Association engages in organic farming, particularly promoting crops like Ragi and bajra. They enhance farmers' incomes by offering Rs. 2 to 3 per kg more than the market price for produce.
- **Catalyst for Innovation:** Cooperatives have been instrumental in driving innovation in rural areas, with examples such as AMUL introducing more than 102 new products, and IFFCO providing rigorous drone training for its members.

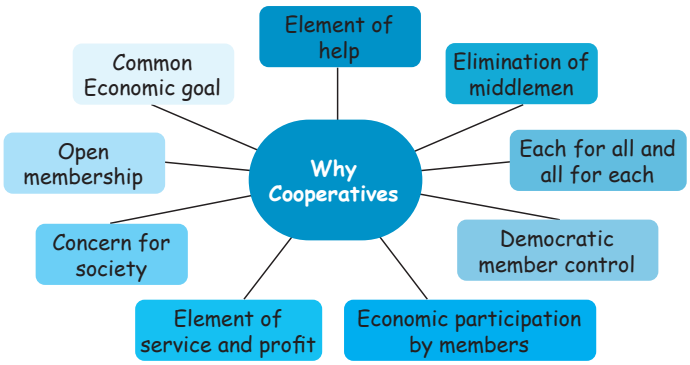


Fig 7.13: Importance of Cooperatives

- **Welfare and Bargaining Power:** Cooperative societies empower their members with bargaining capabilities. For instance, Cooperative Spinning Mills and Weavers cooperative societies prevent the exploitation of lakhs of weavers.
- **Employment Generation:** The cooperative sector contributes significantly to self-employment opportunities, impacting over 17.8 million people. Cooperatives related to fisheries, labour, and gender have played a crucial role in enhancing the socio-economic conditions of weaker sections.

Challenges in Cooperative Sector

- **Regional Imbalance:**
  - **Uneven Development:** Western and southern states boast vibrant cooperative movements, while eastern and north-eastern regions lag behind. This creates disparities in access to resources and opportunities.
- **Limited Reach and Resources:**
  - **Restricted Coverage:** Many cooperatives remain confined to small areas with limited membership, hindering economies of scale and resource mobilisation.
- **Lack of Professionalism:**
  - **Skill Shortage:** The scarcity of skilled professionals hinders efficient management and operations, affecting the sector's competitiveness.
  - **Untimely Elections:** Delayed elections in governing bodies raise concerns about transparency and accountability, potentially leading to misuse of funds.
- **Regulatory Hurdles:**
  - **Dual Regulation:** Cooperative banks fall under both RBI and state government purview, creating confusion and potentially reducing accountability, as evidenced by the PMC Bank crisis.
- **Internal Weaknesses:**
  - **Limited Spontaneity:** Unlike truly grassroots movements, some cooperatives lack genuine community ownership and initiative, impacting their long-term sustainability.
  - **Weak Linkages:** Despite established structures, horizontal and vertical linkages between cooperatives remain ineffective, limiting their collective impact.
  - **Unfair Access:** Domination by large farmers and political interference often disenfranchise small and marginal farmers, hindering equitable access to resources and benefits.
- **Coordination Gaps:**
  - **Data Fragmentation:** Lack of coordination between institutions leads to data silos and missed opportunities to identify defaulters or double-funding, hampering efficiency.

Difference between Company and Cooperatives

Features	Company	Cooperatives
Ownership	Owned by shareholders	Owned by members
Primary Objective	Profit maximisation	Providing services and benefits to members

Distribution of profits	Profits distributed to shareholders based on investment	Profits distributed to members based on usage or patronage
Decision-making power	Vested in board of directors elected by shareholders	Vested in members through one-member, one-vote principle
Examples	Apple, Google, Microsoft	Amul, Mondragon Corporation, International Cooperative Alliance

Government Initiatives to Revitalise India's Cooperative Sector

- **Institutional Framework:**
  - **Ministry of Cooperation:** Established in 2021, this dedicated ministry embodies the vision of "Sahakar se Samriddhi" (prosperity through cooperation), aiming to provide focused attention and policy direction.
- **Regulatory Reforms:**
  - **Banking Regulation (Amendment) Act, 2020:** Empowers RBI to supervise and regulate cooperative banks, enhancing accountability and transparency. It also allows cooperative banks to raise capital through various instruments, providing them with greater financial flexibility.
- **Support Mechanism:**
  - **NAFED:** The National Agricultural Cooperative Marketing Federation assists marketing cooperatives in states to improve their business operations and services for members.
  - **NCDC:** The National Cooperative Development Corporation provides financial and technical assistance to cooperatives across various sectors like marketing, processing, and storage.
- **Technological Modernization:**
  - **Computerisation of PACS:** This initiative aims to digitise 63,000 primary agricultural credit societies, enhancing transparency, efficiency, and service delivery at the village level.
  - **Cooperative societies on GeM Platform:** Enabling cooperatives to register as buyers on the Government e-Marketplace (GeM) facilitates access to public procurement opportunities and expands their market reach.
- **Governance Improvement:**
  - **Multi-State Cooperative Societies (Amendment) Bill, 2022:** This bill seeks to strengthen governance in multi-state cooperative societies by promoting transparency, enhancing accountability, and reforming the electoral process.

Multi-State Cooperative Societies (Amendment) Bill, 2022

The Multi-State Cooperative Societies (Amendment) Bill, 2022, aims to modernise and strengthen the governance of multi-state cooperative societies (MSCSs) in India. While it addresses some key issues, it also raises concerns about federalism and cooperative principles.

Need for the Bill

- **Evolving Landscape:** The cooperative sector has undergone significant changes since the existing Act was formulated in 2002. The creation of a separate Ministry of Cooperation and the inclusion of cooperatives in the Constitution's Part IX-B necessitate a revised legal framework.
- **Strengthening the Movement:** The Bill seeks to enhance transparency, accountability, efficiency, and inclusivity within MSCSs, aiming to revitalise the cooperative movement.

Key Provisions

- **Cooperative Election Authority:** This independent body will conduct elections and oversee electoral processes, promoting fair and transparent elections.
- **Cooperative Ombudsman:** Addressing grievances promptly, the ombudsman will ensure faster resolution of complaints and disputes.
- **Merger and Amalgamation:** Facilitating consolidation for improved efficiency, the Bill allows state cooperatives to merge with existing MSCSs under certain conditions.
- **Sick Society Revival:** A dedicated fund will be established to support the revival of financially troubled MSCSs, protecting stakeholders and jobs.
- **Board Composition:** Mandating representation of women and SC/ST members promotes inclusivity and diversity in leadership.
- **Enhanced Penalties:** Stronger penalties aim to deter non-compliance and promote responsible governance.
- **Concurrent Audit:** This provision ensures regular financial scrutiny for larger MSCSs, enhancing transparency and accountability.

Concerns Raised

- **Federalism:** Some argue the Bill encroaches on state governments' rights, potentially affecting the federal structure.
- **State Cooperative Rights:** Critics claim the Centre is indirectly interfering with the autonomy of state cooperatives regarding mergers and governance.

- **Financial Burden:** The requirement for profitable MSCSs to contribute to the rehabilitation fund may be seen as an unfair burden.
- **Cooperative Principles:** The restriction on share redemption without central approval raises concerns about compromising the principles of autonomy and independence.

Conclusion

The Multi-State Cooperative Societies (Amendment) Bill, 2022, presents both opportunities and challenges. Open dialogue and careful consideration of concerns are crucial to ensure the reforms effectively address the needs of the cooperative sector without compromising on federalism and cooperative principles. Striking a balance between these considerations will be key to unlocking the full potential of MSCSs and empowering them to contribute significantly to India's economic and social development.

Way Forward

- **Enhancing Credit Outreach:**
  - **Diversify Loan Offerings:** Expand beyond agricultural loans to include financing for housing, consumer durables, and education, appealing to younger demographics and diverse needs.
  - **Embrace Digitalization:** Offer credit access through digital platforms and mobile applications, ensuring convenience and transparency. This will also enhance outreach to remote and underserved communities.
- **Digital Transformation:**
  - **Modernise Operations:** Embrace digital technologies like cloud computing, data analytics, and mobile apps to streamline processes, improve transparency, and enhance member engagement.
  - **Targeted Communication:** Utilise digital platforms for targeted communication and educational programmes, building trust and attracting younger audiences.
- **Empowering Members and Promoting Good Governance:**
  - **Strengthen Democratic Participation:** Clearly define voting rights and ensure fair representation of all members in decision-making processes.
  - **Revamp Member Education:** Implement comprehensive educational programmes to equip members with financial literacy and understand their rights and responsibilities within the cooperative system.
  - **Combat Red Tape and Political Interference:** Establish clear governance structures and policies, free from unnecessary bureaucratic hurdles and undue political influence. Empower officials to resist local pressure and ensure fair administration.
- **Leadership and Restructuring:**
  - **Nurture Visionary Leaders:** Cultivate leadership qualities like innovation, entrepreneurship, and adaptability to navigate contemporary challenges and seize opportunities.
  - **Merge or Restructure Weak Societies:** Strategically merge or restructure underperforming cooperatives with stronger ones to consolidate resources, enhance efficiency, and optimise resource allocation.

Societies

- **Definition of a Society:** A society is constituted by a gathering of seven or more individuals united with the common objective of advancing literature, fine arts, science, and various other pursuits.
- **Regulation through the Societies Registration Act of 1860:** The registration and governance of societies fall under the purview of the Societies Registration Act of 1860. This legal framework permits the formation of societies dedicated to literary, scientific, charitable causes, or any other purpose delineated in Section 20 of the Act.

Trust

- **Trust as a Distinct Organisation:** A trust is a distinctive form of organisation originating from a legal will, wherein the creator bequeaths exclusive ownership of a property for a specific purpose.
- **Regulation by the Indian Trusts Act of 1882:** The **Indian Trusts Act of 1882** was the inaugural legislation in India primarily focused on overseeing private trusts, established to assist specific individuals. Public trusts, on the other hand, are oriented towards benefiting the general public or society at large.
- **Contrast Between Trust and Society:**
  - The subjects eligible for registration under the Societies Registration Act, 1860, closely mirror those on which a trust can be founded.
  - A society operates democratically, with all members (a minimum of seven) having equal influence. In contrast, a trust vests control over the property exclusively in the hands of the trustees, enduring as per the clarity of the will.
- **Government Intervention in Trusts:** Government intervention in trusts is necessitated only under specific conditions, such as changes in trustees, ageing of the trust beyond manageable terms, or instances of malfeasance or breach of trust.

Religious Endowments

- **Religious Endowments and Waqfs:** Religious endowments and Waqfs serve as religious trusts dedicated to supporting Hindu and Muslim deities, charities, and respective religions.

- **Registration and Triangular Relationship:** Unlike public trusts, religious endowments and Waqfs are exempt from mandatory registration and do not emphasise a strong triangular relationship between the donor, the trustee, and the beneficiary.
- **Creation of Religious Endowments and Waqfs:**
  - Religious endowments are established when property is consecrated for religious purposes.
  - Waqfs, initiated by coordinated actions of the Muslim community, bind the land and allocate usufruct to the people.
  - **The Religious Endowments Act of 1863** essentially functioned as a private endowment law, entrusting property to a trustee or trustees under a will for a predetermined group of beneficiaries.
- **Legal Disputes and Government Intervention:**
  - During the later years of British rule, the establishment of endowments by numerous Zamindars and merchants led to unclear agreements and ensuing legal disputes.
  - To address this, the government enacted the **Charitable Endowments Act of 1890,** introducing oversight measures. This legislation mandated the appointment of a treasurer in each state to supervise the functioning of charitable endowments, marking the initial stage of government involvement in monitoring charitable organisations.

Waqfs(Wakfs)

- **Concept of Waqf Under Muslim Rule:** During Muslim rule in India, the concept of Waqf gained prominence as an expression of the Quran's spirit of charity. Waqf involves a Muslim dedicating property, whether movable or immovable, tangible or intangible, to God with the intention of benefiting the poor. A Waqf deed is considered irrevocable and eternal, symbolising the submission of property to God.

Durgah Khwaja Saheb Ajmer, Rajasthan

Dargah Khwaja Saheb is the only Dargah in India, the management of which is governed by an Act of Parliament known as Dargah Khwaja Saheb Act, 1955. It is administered through a Dargah Committee, a statutory body, constituted by the Ministry of Minority Affairs, Government of India, under the provisions of Section 5 of the Dargah Khwaja Saheb Act, 1955. The functions of the Dargah Committee be it administrative, financial, community service etc have been explicitly and elaborately spelt out in the provisions of the Act.

- **Wakf Act of 1995 and Administration:** The administration of 300,000 Waqfs across India is governed by the **Waqf Act of 1995,** applicable throughout India except Dargah Khwaja Saheb, Ajmer.
- **State Wakf Boards and Central Waqf Council:** Each state's Waqf Board functions as the apex body under the Act, managing and adjudicating Waqf related conflicts. At the national level, the Central Wakf Council serves as a consultative body.
- **Amendments in 2013:** In 2013, the Waqf Act underwent revisions, incorporating provisions to enhance and streamline the operations of the Waqf Institution.
- **Inclusive Redefinition of Waqf:** The redefined concept of Waqf now allows non-Muslims to establish Waqf as well.
- **Authority of Central Waqf Council:** The Central Waqf Council is empowered to issue directives to State Waqf Boards regarding financial results, census, Waqf deeds, revenue records, and encroachments on Waqf assets. It also has the authority to request annual and audit reports.
- **Resolution of Disputes:** Disputes arising from Central Waqf Council orders are referred to a Board of Adjudication, constituted by the Central Government and presided over by a retired Supreme Court judge or a retired Chief Justice of a High Court.
- **Prevention of Alienation of Waqf Assets:** To prevent the alienation of Waqf assets, terms such as "sale," "gift," "mortgage," "exchange," and "transfer" have been prohibited.
- **Lease Term Extension:** The lease term has been uniformly increased up to 30 years for commercial operations, education, or health purposes, subject to the approval of the State Government.

IGNITE YOUR MIND

Considering the significant role of religious endowments and Waqfs in supporting deities, charities, and religious activities, how can these age-old institutions be modernized to further contribute to the broader societal good, while staying true to their religious and cultural roots in a rapidly changing world?

Self-Help Group

Introduction

The Self-Help Group (SHG) approach is a means of mobilising individuals from economically disadvantaged and marginalised backgrounds to collaboratively address their individual challenges. Widely adopted globally by the government, NGOs, and various entities, this method involves pooling the savings of the economically vulnerable, which are then deposited in banks. In return, participants gain facilitated access to loans with minimal interest rates, empowering them to initiate and sustain micro-enterprises. A Self-Help Group is defined as a "self-governed, peer controlled information group of people with similar socio-economic background and having a desire to collectively perform a common task."

Evolution of Self Help Groups in India

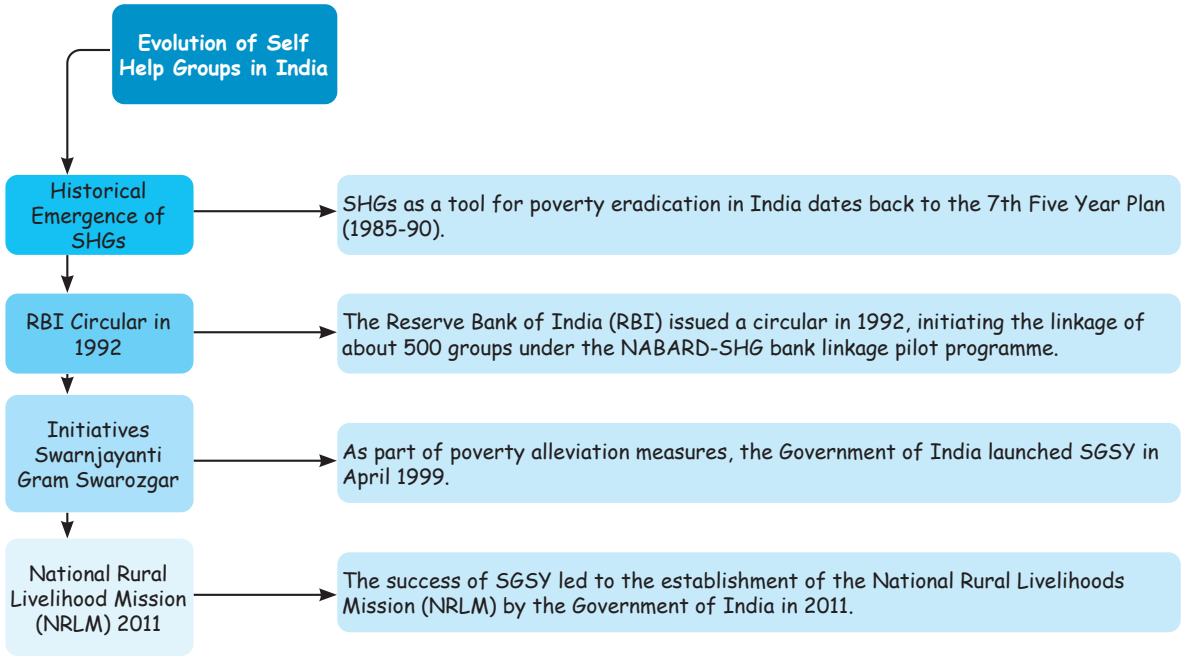

Evolution of Self Help Groups in India
Historical Emergence of SHGs
SHGs as a tool for poverty eradication in India dates back to the 7th Five Year Plan (1985-90).
RBI Circular in 1992
The Reserve Bank of India (RBI) issued a circular in 1992, initiating the linkage of about 500 groups under the NABARD-SHG bank linkage pilot programme.
Initiatives Swarnjayanti Gram Swarozgar
As part of poverty alleviation measures, the Government of India launched SGSY in April 1999.
National Rural Livelihood Mission (NRLM) 2011
The success of SGSY led to the establishment of the National Rural Livelihoods Mission (NRLM) by the Government of India in 2011.

Fig 7.15: Evolution of SHG in India

- **Historical Emergence of SHGs:** SHGs as a tool for poverty eradication in India dates back to the 7th Five Year Plan (1985-90).
- **MYRADA's Initiative in the Mid-1980s:** MYRADA, an NGO, pioneered the formation of SHGs for savings and credit in the mid-1980s.
- **RBI Circular in 1992:** The Reserve Bank of India (RBI) issued a circular in 1992, initiating the linkage of about 500 groups under the NABARD-SHG bank linkage pilot programme.
- **Mainstreaming into the Financial Landscape:**
  - The success of the NABARD-SHG linkage programme led to the mainstreaming of SHGs into the Indian banking system.
  - Approximately 94 million poor individuals are linked with banks through 7.5 million SHGs, providing collateral-free credit.
- **Financial Control by Poor Women:** Poor women in Indian SHGs collectively control the financial business, boasting an annual turnover which surpassed the revenues of many multinational corporations in India.
- **Government Initiatives - Swarnjayanti Gram Swarozgar Yojana (SGSY):**
  - SGSY, launched in April 1999, aims at bringing the assisted poor families (Swarozgaris) above the poverty line by organizing them into Self Help Groups (SHGs) through a mix of Bank credit and Government subsidy.
  - The major emphasis is placed on SHG formation, social mobilisation and economic activation through micro-credit finance.
- **National Rural Livelihoods Mission (NRLM) - 2011:**
  - The success of SGSY led to the establishment of the National Rural Livelihoods Mission (NRLM) by the Government of India in 2011.
  - NRLM represents a massive community mobilisation initiative focused on enhancing rural livelihoods through SHGs.

Why do we need a Self help group in India?

- **Combating Poverty:**
  - **Optimism and Self-Reliance:** SHGs foster a sense of hope and confidence among people living in poverty, encouraging them to become self-reliant and break the cycle of deprivation.
  - **Income Generation and Improved Living Standards:** By providing access to microfinance, skills development, and market linkages, SHGs help members increase their income and elevate their standard of living.
  - **Social Upliftment:** SHGs act as a bridge, integrating marginalised communities into the mainstream by facilitating participation in government programs and social initiatives.
- **Implementing Government Programs:**
  - **Increased Outreach and Effectiveness:** SHGs serve as effective channels for disseminating information and delivering government programmes related to rural development, poverty alleviation, and women's empowerment.
  - **Empowered Participation:** By acting as collectives, SHGs enable members to negotiate better with service providers and authorities, ensuring their voices are heard and needs addressed.

- **Addressing Root Causes:** SHGs work at the grassroots level, identifying and addressing specific challenges faced by rural communities, contributing to more targeted and impactful interventions.

- **Women Empowerment:**
  - **Economic Independence:** Through participation in SHGs, women gain access to financial resources, enabling them to start small businesses, contribute to household income, and achieve greater economic independence.
  - **Leadership Development:** SHGs provide opportunities for women to develop leadership skills, decision-making abilities, and public speaking confidence, boosting their overall empowerment.
  - **Collective Voice:** SHGs provide a platform for women to collectively address issues like gender discrimination, violence, and lack of access to education and healthcare, advocating for change and promoting their rights.
- **Local Support and Financial Inclusion:**
  - **Mutual Support and Collaboration:** SHGs operate on the principle of collective action, providing members with emotional, social, and practical support in overcoming challenges.
  - **Access to Formal Finance:** SHGs act as intermediaries, facilitating access to formal financial services for underprivileged communities, promoting financial inclusion and responsible management of funds.
  - **Building Transparency and Accountability:** SHGs operate with a high degree of transparency and accountability, where members are involved in decision-making and financial management, fostering trust and responsible governance.

Challenges to Self Help Groups

- **Geographical Disparities in SHG Penetration:** As of March 2021, the southern states of Andhra Pradesh, Karnataka, Kerala, and Tamil Nadu dominated SHG participation.
- **Underperformance in High-Poverty States:** States with high poverty rates, such as Uttar Pradesh and Bihar, exhibit poor performance in SHG penetration.
- **Socio-Cultural Barriers in Patriarchal States:** In states where patriarchal norms prevail and women face restrictions in financial and social roles, SHG penetration encounters significant obstacles.
- **Women's Time Constraints:** Family obligations limit the full commitment of women SHG members to their businesses, impacting their attention and involvement.
- **Lack of Expertise and Business Orientation:** SHG members often lack the necessary expertise and orientation to pursue viable and profitable livelihood options.
- **Infrastructure Challenges:** Many SHGs operate in rural and remote areas lacking road and rail access, with persistent issues in electricity availability.
- **Insufficient Training and Capacity Building:** The majority of SHGs operate independently, lacking government support for professional development and capacity building.
- **Politicisation Concerns:** Political affiliation and intervention have become significant issues within SHGs which affects their autonomy and functioning.
- **Insecurity in Deposits:** SHGs rely on shared trust among members, leading to instability and insecurity in their deposits, posing a challenge to financial sustainability.

Suggestions to improve SHGs Effectiveness

- **Government's Role as a Facilitator:** The government should play a facilitating and promoting role, fostering a conducive environment for the growth and development of the SHG movement.
- **Expansion of SHGs in Credit-Deficient Areas:** Increase the number of SHGs in regions facing a lack of credit accessibility, such as Madhya Pradesh, Rajasthan, and the North-Eastern states.
- **Emphasis on Financial Infrastructure and IT Connectivity:** Prioritise the rapid expansion of financial infrastructure, coupled with comprehensive IT-enabled connectivity and capacity-building initiatives.

eShakti project of NABARD

- eShakti, or SHG Digitisation, is a project of NABARD's Micro Credit and Innovations Department.
- The project aims at the digitization of all the Self-Help Group (SHG) accounts.
- This initiative seeks to bring SHG members under the umbrella of financial inclusion, enabling them to access a broader range of financial services.
- Additionally, it aims to enhance bankers' comfort in credit appraisal and linkage by ensuring proper digital documentation and record-keeping.
- Improving the quality of the interface between SHG members and Banks for efficient and hassle-free delivery of banking services by using the available technology.
- Facilitate convergence of delivery systems with SHGs using Aadhaar-linked identity.

- **Diversification of SHGs to Urban Areas:** Extend the reach of Self-Help Groups to urban and peri-urban areas, recognizing that many urban poor populations remain financially excluded. Efforts should aim to enhance their income-generating capabilities.
- **Establishment of SHG Monitoring Cell:** Create a dedicated SHG monitoring cell responsible for collecting both quantitative and qualitative data, ensuring effective oversight and evaluation.

- **Innovation in Financial Products:** Commercial banks and NABARD, in collaboration with state governments should continuously innovate and design new financial products tailored to the specific needs of these underserved groups.

IGNITE YOUR MIND

As Self-Help Groups (SHGs) play a pivotal role in empowering communities and fostering socio-economic development, what innovative strategies could be implemented to enhance their effectiveness, ensuring they not only meet the immediate needs of their members but also adapt to the evolving challenges of global economic trends and digital transformation?

The Difference between NGOs and SHGs

Aspect	NGOs (Non-Governmental Organisations)	SHGs (Self-Help Groups)
Definition	Non-profit organisations are independent of the government.	SHGs are Small, informal groups of individuals.
Formation	NGOs are established by individuals or groups with a shared mission.	Formed by members with common economic goals.
Focus	Diverse, covering social, environmental and humanitarian issues.	Primarily economic and financial empowerment.
Governance	Governed by a board of directors or trustees.	Decisions made collectively by group members.
Legal Framework	Governed by specific legal acts (e.g., Societies Registration Act, FCRA).	An informal group and Registered under Societies Act.
Examples	Amnesty International, World Wildlife Fund.	Women's microfinance groups, artisan cooperatives.

Difference between Self Help Groups and Pressure Groups

Feature	Self-Help Groups (SHGs)	Pressure Groups
Primary Objective	Upliftment and economic empowerment of members	Influencing government policies and public opinion on specific issues
Focus	Improving the lives and livelihoods of members	Advocating for change on broader societal issues
Political Participation	No direct involvement in formal politics	May lobby or advocate for policies relevant to their issue, but typically do not run for office
Examples	Women's self-help groups in rural India, microfinance cooperatives	Environmental groups, human rights organisations, labour unions

Various Case Studies of SHGs

- **Mahila Arthik Vikas Mahamandal (MAVIM) in Maharashtra:**
  - **Establishment of Community-Run Resource Center (CMRC):**
    - MAVIM had found a Community-Run Resource Centre (CMRC) to deliver financial and livelihood services to Self-Help Groups (SHGs).
    - The CMRC operates independently, sustaining itself, and tailors programmes based on identified needs.
- **Kudumbashree in Kerala:**
  - **Government-Operated Empowerment Initiative:**
    - Kudumbashree, initiated in Kerala in 1998, operates as a government-run organisation with dedicated funding and government-paid employees.
    - Its primary objective is to eliminate total poverty through collective action, standing as India's largest women's empowerment initiative.
  - **Social Initiatives for Holistic Development:**
    - **Neighborhood Groups (NHGs):** The foundation of Kudumbashree, NHGs are informal groups of 10-20 women from the same neighbourhood who meet regularly for savings, credit, and skill development activities.
    - **Area Development Societies (ADS):** A federation of NHGs at the Panchayat level, ADS provides support and guidance to NHGs and implements various development programs.
    - **Community Development Societies (CDS):** The apex body at the Panchayat level, CDS coordinates the activities of NHGs and ADS and undertakes local development initiatives.
    - **Microfinance:** Kudumbashree provides microfinance loans to NHGs and individual women entrepreneurs at subsidised interest rates.
    - **Skill Development:** Kudumbashree offers various skill development programmes for women in areas such as tailoring, handloom weaving, food processing, and beauty care.

- ❒ **Marketing and Livelihood Promotion:** Kudumbashree helps women entrepreneurs market their products through a network of fairs, exhibitions, and retail outlets.

- **Philanthropic Contribution during Flood:**
  - ❒ During a severe flood in Kerala, Kudumbashree members generously contributed Rs 7 crore to the Chief Minister's relief fund.
  - ❒ This contribution surpassed the donations made by prominent tech companies like Google.

WAY FORWARD FOR EFFECTIVE CITIZEN'S PARTICIPATION IN GOOD GOVERNANCE

❑ **Empowering Citizens:**
- **Education and Awareness:** Provide accessible and comprehensive information about citizen rights, governance processes, and participation opportunities.
- **Digital Inclusion:** Bridge the digital divide by ensuring internet access and digital literacy skills for all.
- **Community Engagement:** Foster platforms for open dialogue and collaborative decision-making at the local level.

❑ **Strengthening Institutions:**
- **Transparency and Accountability:** Make government institutions more transparent and accountable through proactive disclosure, public hearings, and citizen feedback mechanisms.
- **Responsive Governance:** Ensure timely and effective responses to citizen grievances and concerns.
- **Empowering Local Governments:** Strengthen local governance structures and capacities to enable greater citizen participation.

❑ **Promoting Innovation:**
- **Leveraging Technology:** Utilise online platforms, e-governance initiatives, and social media to facilitate participation and engagement.
- **Crowdsourcing Ideas:** Encourage citizen participation in policy formulation and decision-making through crowdsourcing initiatives.
- **Supporting Civil Society:** Facilitate and empower civil society organisations to act as watchdogs and advocate for citizen participation.

❑ **Addressing Challenges:**
- **Tackling Inequality:** Address barriers to participation faced by marginalised groups due to socio-economic disparities and discrimination.
- **Combating Misinformation:** Counter disinformation and fake news through media literacy initiatives and fact-checking mechanisms.
- **Ensuring Security:** Protect participants from intimidation, harassment and violence to create a safe environment for engagement.

❑ **Cultivating a Culture of Participation:**
- **Promote Civic Education:** Integrate civic education into school curriculums to instil democratic values and participation from a young age.
- **Encourage Active Citizenship:** Celebrate and showcase instances of successful citizen participation to inspire others and create a culture of engagement.
- **Build Trust:** Foster trust between citizens and institutions through open communication, genuine partnerships, and demonstrably responsive governance.

CONCLUSION

The vibrant threads of NGOs, civil society, SHGs and cooperatives play a crucial role in the good governance of the country. They amplify marginalised voices, bridge service gaps, foster community resilience, and promote inclusive development. By empowering citizens, nurturing social capital, and advocating for equitable policies, these actors act as catalysts for positive change, ensuring that economic progress leaves no one behind. Their continued collaboration with governments and the private sector holds immense potential for building a more just, sustainable, and prosperous future for all.

Forging Unity: Exploring Consensus in India's Governance Landscape

8

INTRODUCTION

Navigating the complex landscape of governance, consensus-building emerges as a powerful tool for forging unity and progress. This journey explores how India approaches consensus through diverse mechanisms, including **coalition governments,** where parties bridge their differences to govern; the **NITI Aayog,** a collaborative platform for diverse stakeholders, and the **Goods and Services Tax (GST)** regime, a landmark achievement born from consensus.

Coalition politics in India

Derived from the Latin word "coalitiõ," meaning "to develop together," the term "coalition" signifies the amalgamation of components into a unified entity. In the realm of politics, a coalition refers to an alliance formed by multiple political parties. A coalition government, thus, emerges when political parties collaborate to form a governing body. It represents a collective effort by more than one party to create a functional government. In instances of a hung parliament, where no single party secures a decisive majority after a general election, parties may opt for a coalition administration.

Features of Coalition Government

- **Power Sharing:** The core of a coalition lies in shared power between two or more political parties. This arises when no single party holds an absolute majority in the legislature, compelling them to forge alliances to govern effectively.
- **Balancing Interests:** Each coalition partner brings its own ideological and electoral base, leading to the need for compromise and negotiation. This often results in a minimum program, covering areas where common ground exists, rather than a comprehensive agenda reflecting each party's ideal vision.
- **Pragmatism Over Dogma:** While principles still matter, pragmatism takes centre stage in coalition politics. Parties may need to temporarily set aside specific beliefs to ensure the smooth functioning of the government and the coalition's survival.
- **Portfolio Sharing:** To further cement the power-sharing arrangement, members from each coalition party are typically included in the cabinet. This ensures representation and helps navigate diverse viewpoints within the government.
- **Dynamic Nature:** Unlike static entities, coalitions are fluid and dynamic. Memberships can change, new alliances can form, and existing ones can dissolve depending on evolving political circumstances and shifting allegiances.
- **Constant Negotiation:** Maintaining a successful coalition requires continuous negotiation and communication between partners. Addressing conflicts, managing differing opinions, and finding common ground are crucial for smooth functioning and policy implementation.
- **Trade-offs and Challenges:** While offering broader representation, coalitions come with inherent challenges. Internal disagreements, differing priorities, and the potential for instability can hinder effective governance and policy coherence.
- **Adaptability and Evolution:** Like the political landscape itself, coalitions must adapt and evolve to survive. This may involve adjustments to internal structures, power-sharing dynamics, and minimum programs to address changing circumstances and maintain public trust.

Impact of Coalition Governments on Governance

The impact of coalition governments on governance is multifaceted and depends on various factors like the specific context, political culture, and individual dynamics within the coalition.

Positive Impacts

- **Broader Representation:** Coalitions can bring diverse perspectives and interests to the table, potentially leading to more inclusive and responsive policies.
- **Reduced Authoritarianism:** With power divided, the risk of a single party dominating government is minimised, fostering checks and balances.
- **Consensus Building:** The need for compromise and negotiation can encourage dialogue and collaboration, resulting in more stable and sustainable policies.
- **Strengthened Federalism:** Including regional parties can address regional concerns and strengthen the federal fabric of a nation.
- **Crisis Management:** During national emergencies, coalitions can project greater legitimacy and foster a unified response.

Negative Impacts

- **Instability:** Differences in ideology and power struggles can lead to internal conflicts and the potential collapse of the government.

- **Leadership Challenges:** Decision-making can become slow and complex, requiring constant negotiation and compromising the Prime Minister's leadership role.
- **Regional Pressures:** Regional parties may exert undue influence, prioritising regional interests over national issues and creating instability.
- **Accountability Issues:** Shared responsibility can blur accountability, making it difficult to pinpoint blame for failures or shortcomings.
- **Bargaining Power Dynamics:** Smaller parties may exploit their kingmaker role, extracting disproportionate concessions and hindering efficient governance.
- **Limited Policy Cohesion:** Compromises and political bargaining can lead to incoherent or watered-down policies.

Coalition governments, born out of the necessity for collaboration in the face of political diversity, embody the essence of shared governance. While coalition administrations present challenges in navigating diverse ideologies, they also reflect a commitment to inclusivity and compromise. As witnessed in various political landscapes, coalition governments often emerge as pragmatic solutions in the absence of a clear majority, fostering cooperation and ensure the representation of a spectrum of voices. Ultimately, the success of a coalition government hinges on effective communication, shared goals, and the ability to harmonise divergent interests for the collective well-being of the nation.

NITI AAYOG

NITI Aayog, the premier policy think tank of the Government of India, has adopted a bottom-up approach to development planning. This approach prioritises the needs and aspirations of people at the grassroots level, ensuring that development initiatives are designed and implemented in a way that is relevant and effective for the communities they aim to serve.

Key Features of the Bottom-up Approach

- **Decentralisation and Participation:** Power and decision-making are decentralised to empower local governments and communities to actively participate in the planning and execution of development programs.
- **Focus on Outcomes:** The focus is on achieving measurable outcomes that improve the lives of people at the grassroots, rather than just meeting top-down targets.
- **Data-driven Decision Making:** Data collected from the ground level is used to inform planning and decision-making, ensuring that interventions are evidence-based and address the specific needs of communities.
- **Community Ownership:** Communities are actively involved in the design, implementation, and monitoring of development initiatives, fostering a sense of ownership and ensuring sustainability.

IGNITE YOUR MIND

Considering NITI Aayog's adoption of a bottom-up approach to development planning, which emphasizes grassroots-level needs and aspirations, how do you assess the potential impact of this strategy on the inclusivity and effectiveness of India's development policies?

Examples of NITI Aayog's Bottom-up Initiatives

- **Transformation of Aspirational Districts:** This program aims to bring rapid and sustainable development to 112 aspirational districts across India by focusing on key areas like health, education, and basic infrastructure. The program actively engages with district administrations and communities to identify and address their unique challenges.
- **Gram Panchayat Development Plans (GPDPs):** NITI Aayog promotes the formulation of GPDPs, which are community-driven plans that prioritise the needs of villages. These plans were prepared with the active participation of gram panchayats (village councils) and reflect the specific requirements of each village.
- **Sustainable Development Goals (SDGs):** NITI Aayog is working to localise the SDGs at the state and district levels, encouraging state governments and local bodies to develop their own SDG implementation plans based on the specific context of their regions.

Benefits of the Bottom-up Approach

- **Increased Effectiveness:** By directly addressing the needs of communities, bottom-up approaches can lead to more effective and sustainable development outcomes.
- **Improved Efficiency:** Local communities often have a better understanding of their own needs and challenges, which can lead to more efficient use of resources.
- **Enhanced Equity:** Bottom-up approaches can help to ensure that development benefits reach the most marginalised and vulnerable communities.
- **Greater Sustainability:** When communities are involved in the planning and implementation of development initiatives, they are more likely to take ownership and ensure their long-term sustainability.

Challenges and Limitations

- **Capacity Building:** Implementing a bottom-up approach effectively requires capacity building at the local level to ensure that communities have the skills and resources necessary to participate meaningfully.
- **Coordination:** Effective coordination between different levels of government is essential for the success of bottom-up approaches.

- **Accountability:** Mechanisms need to be put in place to ensure that local governments and communities are accountable for the use of resources and the achievement of development outcomes.

NITI Aayog's Contribution to Sustainable Development Goals (SDGs)

NITI Aayog, India's premier policy think tank, plays a crucial role in driving the country's progress towards achieving the Sustainable Development Goals (SDGs).

Leadership and Guidance

- **Nodal Institution:** NITI Aayog is the designated nodal agency for coordinating and overseeing SDG implementation in India.
- **Development of National Frameworks:** They developed the national SDG India Index and Dashboard, which track progress across states and identify areas needing improvement.
- **State & District Level Localization:** They promote the localization of the SDGs by supporting state and district-level planning and implementation strategies.

Capacity Building and Knowledge Sharing

- **Training and Workshops:** NITI Aayog conducts training programs and workshops for government officials, civil society organisations, and other stakeholders on various aspects of the SDGs.
- **Sharing Best Practices:** They facilitate knowledge sharing and learning among different states and districts through platforms like the SDG India Knowledge Network.
- **Research and Publications:** They undertake research and publish reports on key SDG-related issues, providing data-driven insights to policymakers.

Monitoring and Evaluation

- **Regular Reviews:** NITI Aayog conducts periodic reviews of progress towards achieving the SDGs, highlighting successes and challenges.
- **SDG India Index and Dashboard:** This online tool uses various indicators to measure progress across 17 Goals, 169 Targets and 306 National indicators.
- **Independent Reviews:** They facilitate independent reviews and assessments of SDG implementation to ensure transparency and accountability.

Specific Initiatives

- **Transforming Aspirational Districts:** This program focuses on rapid development in 112 backward districts, aligning progress with specific SDGs.
- **Sustainable Development Goal Initiative for Northeast India:** This initiative focuses on region-specific challenges and opportunities for achieving SDGs in the Northeast.
- **Natural Farming Initiative:** This promotes climate-resilient and ecologically sound agricultural practices, contributing to SDG 2 (Zero Hunger) and SDG 13 (Climate Action).

Impact of Niti Aayog in Governance

Positive Impacts

- **Policy Formulation and Innovation:**
  - **Aspirational Districts Programme:** Identifying and prioritising 112 under-developed districts and driving focused interventions has led to notable improvements in key areas like education, health, and sanitation.
  - **Startup India Initiative:** Facilitating easier business registration, mentorship, and funding has spurred entrepreneurship and innovation, boosting the startup ecosystem.
  - **National Health Stack:** This digital platform aims to streamline healthcare data management, improving transparency and efficiency in the healthcare system.
- **Cooperative Federalism:**
  - **School Education Quality Index (SEQI):** Ranking states based on educational outcomes encourages healthy competition and motivates improvement in education quality across the country.
  - **State Reforms Action Plan (SRAP):** Encourages states to undertake reforms in various sectors like land, labour, and agriculture, potentially improving the ease of doing business and attracting investments.
- **Think Tank Function:**
  - **Strategy for New India @ 75:** This roadmap for India's development vision in 2022 laid out key strategic areas for focus, influencing national policy priorities.
  - **India Energy Security Scenario 2047:** Analysing future energy challenges and proposing solutions informed by energy policy and related investments.

Negative Impacts

- **Lack of Transparency and Accountability:** Concerns exist about NITI Aayog's decision-making processes being opaque and lacking public scrutiny and accountability.
- **Centralization of Power:** Critics argue that some initiatives might centralise power, undermining the autonomy of states and weakening federalism.
- **Limited Focus on Equity and Inclusion:** While addressing diverse issues, some argue that NITI Aayog may not adequately prioritise policies for marginalised communities and promote equitable development.
- **Questionable Success Stories:** The effectiveness of some flagship initiatives remains debatable, requiring more in-depth evaluation and data-backed evidence.
- **Political Interference:** Concerns exist about potential political influence on NITI Aayog's functioning, hindering its objectivity and effectiveness.

NITI Aayog has undoubtedly impacted Indian governance, but its legacy remains nuanced. While it has contributed to innovative policies, data-driven approaches, and sustainable development goals, concerns about transparency, accountability, and potential centralization require careful consideration. Evaluating its initiatives' long-term impacts

and fostering more inclusive and participatory governance processes are crucial for its continued positive contribution.

IGNITE YOUR MIND

Analyzing the transition from the Planning Commission to NITI Aayog, how do you evaluate their respective contributions to fostering consensus governance in India? Consider the differences in their approaches to planning and policy formulation, and the impact of these differences on achieving cooperative federalism and inclusive development.

GST REGIME

The **Goods and Services Tax (GST)** is a multi-stage, destination-based indirect tax levied on the supply of goods and services. It was introduced in India on July 1, 2017, replacing a multitude of indirect taxes levied by the central and state governments.

Objectives of GST

- **Removing the Cascading Effect of Taxes:** By eliminating the tax on tax levied under the previous indirect tax regime, GST aims to reduce the overall tax burden on goods and services.
- **Create a Common National Market:** By removing interstate tax barriers, GST facilitates the seamless movement of goods and services across the country.
- **Improve Tax Compliance:** The GST regime simplifies tax administration and compliance for businesses, making it easier to do business in India.
- **Boost Economic Growth:** By reducing transaction costs and improving efficiency, GST aims to stimulate economic growth in India.

Components of GST

- **Central Goods and Services Tax (CGST):** Levied by the central government on the supply of goods and services.
- **State Goods and Services Tax (SGST):** Levied by the state government where the supply of goods and services takes place.

GST Council Composition

- **Union Finance Minister:** Serves as the Chairperson, providing leadership and direction to the Council.
- **Finance Ministers of all States and Union Territories with Legislatures:** Ensures state-level representation and participation in decision-making.
- **Special Invitees:** The Chairperson, Central Board of Excise and Customs (CBEC), as a permanent invitee (non-voting) to all proceedings of the GST Council.

- **Integrated Goods and Services Tax (IGST):** Levied on interstate supply of goods and services.

GST Rates

- **The GST Regime Has Four Tax Rates:**
  - **0%:** Exempted goods and services, such as fresh fruits and vegetables, unprocessed food grains, and exports.
  - **5%:** Essential goods and services, such as books, newspapers, and milk.
  - **12%:** Most commonly used goods and services, such as textiles, footwear, and non-luxury hotels.
  - **18%:** Luxury goods and services, such as air-conditioned restaurants, business class air travel, and jewellery.
  - **28%:** This is the highest rate and applies to luxury goods like air conditioners, casino entries, and sporting goods.

Impact of GST Regime on Governance

The GST regime has had a significant impact on governance in India, with both positive and negative consequences.

Positive Impacts

- **Improved Transparency and Accountability:** GST replaced a complex web of indirect taxes with a unified system, leading to increased transparency in tax administration. Businesses now have clearer tax liabilities and filing processes, making it difficult to evade taxes. This has improved accountability and reduced opportunities for corruption.
  - **Example:** Before GST, businesses with interstate transactions had to deal with multiple taxes and authorities, creating opportunities for bribery and manipulation. GST's single tax and online portal streamline compliance, minimising such opportunities.
- **Enhanced Ease of Doing Business:** GST simplified compliance procedures and reduced the number of returns businesses needed to file. This has eased the administrative burden on businesses, particularly small and medium enterprises (SMEs), fostering a more conducive environment for entrepreneurship and economic growth.
  - **Example:** A textile manufacturer previously had to file separate returns for excise duty, VAT, and CST for interstate sales. Now, a single GST return suffices, saving time and resources.
- **Increased Revenue Collection:** The unified GST system has improved tax collection efficiency, leading to increased revenue for both the central and state governments. This enables them to invest in critical areas like infrastructure, education, and healthcare.
  - **Example:** GST has led to a rise in the number of taxpayers, widening the tax base and boosting government revenue. This allows for increased public spending on development initiatives.

- **Positive Impacts on Center-State Relations:**
  - **Cooperative Federalism:** GST's implementation necessitated unprecedented cooperation between the centre and states. The GST Council, comprising both entities, has fostered dialogue and consensus building on tax rates, exemptions, and procedures. This spirit of collaboration strengthens federalism and promotes shared responsibility for economic growth.
    - **Example:** The initial compensation formula for revenue loss to states was contested. Through dialogue and compromise within the Council, a revised formula was established, showcasing collaborative problem-solving.
  - **Harmonisation of Tax System:** GST replaced a cumbersome network of state-specific indirect taxes with a unified system. This removed trade barriers within the country, fostered smoother movement of goods across states, and simplified compliance for businesses operating in multiple states.
    - **Example:** A textile manufacturer previously navigated different VAT rates in various states. Now, a single GST rate facilitates easier interstate trade and compliance, boosting national market integration.

Negative Impacts

- **Compliance Challenges:** While simplifying tax structures, GST also introduced new complexities for some businesses, particularly smaller ones unfamiliar with online filing and compliance requirements. This can lead to confusion and non-compliance, impacting revenue collection.
  - **Example:** Small kirana stores, accustomed to simpler tax regimes, may struggle with GST's online filing and documentation requirements, potentially hindering their operations.
- **Inter-State Disputes:** The GST Council, responsible for policy decisions, sometimes faces disagreements between states with differing economic interests. This can lead to delays in decision-making and hamper smooth implementation.
  - **Example:** States with high consumption but low manufacturing might express concerns about revenue loss under GST, leading to disputes regarding compensation formulas and tax structures.
- **Impact on Specific Sectors:** Some sectors, like agriculture and textiles, faced initial challenges adjusting to the new tax regime, leading to job losses and economic disruptions. Government intervention and targeted support can be crucial for mitigating such impacts.
  - **Example:** The textile industry initially faced increased costs due to GST, impacting small units and leading to job losses. Government measures like concessional tax rates and skill development programs can help address these concerns.
- **Compensation Disputes:** Despite the revised formula, some states continue to express concerns about revenue shortfalls and the duration of compensation, highlighting potential friction and trust issues between the centre and states.
  - **Example:** Recently the CM of Tamil Nadu said that his state annually loses ₹20,000 crore due to the stoppage of GST compensation
- **Decision-Making Power Disparity:** The voting structure in the GST Council favours the centre, raising concerns about states' influence on policy decisions impacting their fiscal autonomy. This can breed resentment and hinder a cooperative spirit.
  - **Example:** States might feel their concerns regarding specific sectoral challenges or tax rates are not adequately addressed, creating potential discord and impacting smooth implementation.
- **Impact on State Autonomy:** Some view the GST Council's centralised decision-making as an encroachment on state autonomy regarding taxation. This can create political tensions and hinder genuine collaboration.
  - **Example:** Issues like deciding exemption lists or special tax rates for local products might be viewed as limiting state-specific policy initiatives, raising concerns about autonomy and flexibility.

Overall, the GST regime's impact on governance is complex. While it has brought transparency, accountability, and ease of doing business, challenges remain concerning compliance, inter-state disputes, and sectoral impacts. Effective communication, collaborative policymaking, and targeted support measures are crucial for maximising the positive impacts and minimising the negative ones, ultimately strengthening governance and fostering economic growth in India.

IGNITE YOUR MIND

Assess the impact of GST on India's financial federalism and discuss the balance between centralization and decentralization under GST and its implications for state revenues within the federal framework.

CONCLUSION

In India's vibrant democracy, consensus thrives in diverse forms – the intricate ballet of coalition governments, the collaborative symphony of NITI Aayog, and the unified chorus of the GST regime. Each offers valuable lessons. Coalitions showcase inclusion, NITI Aayog emphasises diversity, and GST exemplifies compromise. Yet, challenges linger - coalition fragility, NITI's implementation gap and GST's evolving needs. Empowering all voices, fostering trust, and ensuring transparency can harmonise these melodies, composing a stronger, more inclusive, consensus-driven future for India's governance.

Social Inclusion and Welfare Policies

9

INTRODUCTION

Social inclusion and welfare policies are aimed at ensuring that all members of society have equal opportunities to participate in economic, social, and political life, regardless of their background, identity, or circumstances. These policies address various aspects of human well-being, including access to education, healthcare, housing, employment, and social services.

Social inclusion

United Nations: Social inclusion is the process by which efforts are made to ensure equal opportunities – that everyone, regardless of their background, can achieve their full potential in life. Such efforts include policies and actions that promote equal access to (public) services as well as enable citizen's participation in the decision-making processes that affect their lives.

The World Bank Group: Social inclusion is the process of improving the terms on which individuals and groups take part in society—improving the ability, opportunity, and dignity of those disadvantaged on the basis of their identity, to take part in Society.

Through various schemes, the government has promoted social inclusion such as the **Ujjwala Yojana** - provide clean cooking fuel (LPG) connections to women from below-poverty-line households; **Pradhan Mantri Awaas Yojana (PMAY)** - provide affordable housing to all urban and rural households; **National Rural Livelihoods Mission (NRLM)** - to reduce poverty by promoting diversified and gainful self-employment and wage employment opportunities for rural households, especially women and socially excluded groups.

Welfare policies

These are government initiatives and programs aimed at promoting the well-being, economic security, and social protection of individuals and families within society. These policies seek to address various social and economic challenges, such as poverty, unemployment, inequality, and inadequate access to essential services. For examples, **Pradhan Mantri Jan Dhan Yojana (PMJDY)** - providing universal access to banking facilities, including no-frills bank accounts, RuPay debit cards, and access to credit and insurance services; **National Health Mission (NHM)** - includes initiatives like the Janani Suraksha Yojana (JSY) for maternal and child health, the Rashtriya Bal Swasthya Karyakram (RBSK) for child health screening, and the Ayushman Bharat, Pradhan Mantri Jan Arogya Yojana (PMJAY) for health insurance coverage.

INCLUSIVE GOVERNANCE: CASTE, GENDER, AND MINORITIES

At its essence, **inclusive governance** revolves around amplifying the voices of marginalised communities, such as those based on caste, gender, and minorities, guaranteeing their needs are acknowledged in decision-making. It creates a framework where diversity is valued and promoted, **bolstering democracy and fairness.** The core tenets of inclusive governance advocate for parity in opportunities, genuine engagement, transparency, and answerability.

It's not just a concept but a crucial approach recognizing inclusivity's role in policymaking. By integrating diverse perspectives, it acknowledges unique community challenges. This fosters innovative solutions to complex issues, enhances policy effectiveness, and builds trust between citizens and governments. India has taken various measures to ensure inclusive governance like:

- **Reservation Policies:** India's reservation system, particularly for Scheduled Castes (SC), Scheduled Tribes (ST), Other Backward Classes (OBC) and Economically Weaker Sections (EWS), aims to provide opportunities for historically disadvantaged groups in education, employment, and politics. This affirmative action policy seeks to address historical injustices and promote social inclusion.
- **Women Empowerment:** The National Rural Livelihoods Mission (NRLM) promotes women's empowerment through the formation of Self-Help Groups (SHGs). These groups provide women with access to financial services, skills training, and livelihood opportunities, enabling them to generate income, gain economic independence, and participate actively in household and community decision-making.
- **Minority Rights:** Various policies and initiatives in India aim to protect the rights and promote the socio-economic development of minority communities, including religious minorities such as Muslims, Christians, Sikhs, Buddhists, and others. These initiatives include scholarships, financial assistance for educational and entrepreneurial ventures, and schemes for minority welfare. For example, **Pradhan Mantri Kaushal Vikas Yojana (PMKVY), Nai Udaan, Nai Manzil** etc.

- **Panchayati Raj Institutions:** The Panchayati Raj system in India provides local self-governance at the village, intermediate (block), and district levels. Through the reservation of seats for SCs, STs, and women in Panchayati Raj Institutions (PRIs), marginalised groups have the opportunity to participate in local governance and decision-making processes.
- **Legal Framework Against Discrimination:** India has various laws and legal provisions to combat discrimination based on caste, gender, and religion. Acts such as the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the Protection of Civil Rights Act, and laws prohibiting discrimination against women aim to ensure inclusivity and equal treatment under the law.

AFFIRMATIVE ACTION POLICIES AND THEIR IMPACT

Affirmative action encompasses a range of policies and practices aimed at addressing historical discrimination and **promoting diversity and inclusion** within governments, organisations, and institutions. These policies seek to increase the representation of specific groups that have historically faced barriers or underrepresentation based on factors such as gender, race, ethnicity, sexuality, religion, or nationality. The primary goal of affirmative action is to **create equal opportunities** for all individuals and **rectify past injustices** by providing preferential treatment to marginalised or underrepresented groups in areas such as education, employment, and public services.

- **Reservation in Education:** Increased enrollment and representation of marginalised communities in educational institutions, leading to greater access to quality education and socio-economic empowerment. Government schemes which promote reservation in education are the **Post-Matric Scholarship Scheme for Scheduled Caste Students, Pre-Matric Scholarship Scheme for Scheduled Castes Students, National Fellowship Scheme for Higher Education of Scheduled Caste Students.**
  - According to the **All India Survey on Higher Education (AISHE) 2020-2021,** The enrolment of SC students is 58.95 Lakh as compared to 56.57 Lakh in 2019-20 and 46.06 Lakh in 2014-15. The enrolment of ST students has increased to 24.1 Lakh in 2020-21 from 21.6 Lakh in 2019-20 and 16.41 Lakh in 2014-15. Enrolment of OBC students has also increased by 6 Lakh to 1.48 crore in 2020-21, from 1.42 crore in 2019-20.
- **Reservation in Government Jobs:** Affirmative action extends to employment opportunities through reservation quotas in government jobs. Positions are reserved for SCs, STs, and OBCs in public sector enterprises, agencies, and civil service, as mandated by the Indian Constitution.
  - By providing a level playing field and reducing barriers to entry, reservation policies contribute to the reduction of socio-economic disparities and promote social inclusion.
  - Special recruitment drives for SCs, STs, and OBCs in various government departments, reservation in promotions for SCs and STs in government services.
- **Legal Protection:** Affirmative action laws provide legal protection against discrimination and ensure the rights of marginalized communities. Acts such as the **Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989,** safeguard SCs and STs from caste-based discrimination and violence. The Act has led to increased reporting and prosecution of crimes against SCs and STs, raising awareness about their rights and improving access to justice. Gender-specific laws and policies such as the **Domestic Violence Act, 2005,** and the **Maternity Benefit Act, 1961** have improved the legal protection and empowerment of women, leading to increased awareness about their rights, enhanced access to justice, and greater participation in decision-making processes.
- **Welfare Programs:** The government implements various welfare programs targeting marginalized communities to uplift their socio-economic status. Examples include the **Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), Pradhan Mantri Awas Yojana (PMAY),** scholarships, and financial assistance for students from SC, ST, and OBC backgrounds. As of 2024, 118.63 lakhs houses are sanctioned under PMAY.
- **Political Representation:** Affirmative action promotes political representation by reserving seats in local bodies, state legislatures, and parliament for SCs, STs, and women.
  - **The Constitution (106th Amendment) Act, 2023,** mandates that one-third of all seats in the Lok Sabha, State legislative assemblies, and the Legislative Assembly of the National Capital Territory of Delhi be reserved for women, including those already reserved for Scheduled Castes (SCs) and Scheduled Tribes (STs).

Affirmative action in India has yielded positive outcomes, including increased access to education, employment, and political representation for marginalised communities. This has led to empowerment and improved socio-economic status among these groups, fostering greater participation in nation-building efforts. However, challenges such as implementation hurdles, resistance from dominant factions, and debates over meritocracy persist, underscoring the ongoing need for refinement and evaluation of these policies.

GOVERNMENT INITIATIVES FOR DEVELOPMENT

MGNREGA: Empowering Rural Employment

- MGNREGA **(Mahatma Gandhi National Rural Employment Guarantee Act)** is a landmark social

welfare scheme in India aimed at empowering rural communities by providing guaranteed wage employment opportunities.

- MGNREGA, initiated by the **Ministry of Rural Development in 2005,** stands as one of the world's most extensive employment guarantee programs.
- Its core aim is to ensure that **adult members of rural households** have the opportunity to engage in unskilled manual labour related to public works, providing them with a guaranteed **100 days of employment each financial year.**
  - As of 2023-24, there are 14.33 crore active workers under the MGNREGA.
- **Legal Right to Employment:** In contrast to previous employment schemes, the law aims to address persistent poverty by establishing a framework based on rights.
  - A minimum of **one-third of beneficiaries must be women.**
  - **Compensation** must adhere to the legally mandated minimum wages stipulated for agricultural labourers in the state under the **Minimum Wages Act of 1948.**
- **Demand-Driven Approach:** A key feature of MGNREGA's design is its legally enforced assurance that any rural adult can secure employment **within 15 days of requesting** it; failure to fulfil this obligation necessitates the provision of an **'unemployment allowance.**
  - This demand-driven approach allows for the **voluntary selection of workers.**
- **Decentralised Planning:** Emphasis is placed on enhancing the process of decentralisation by granting significant responsibility to **Panchayati Raj Institutions (PRIs)** in planning and executing these projects.
  - The law requires Gram Sabhas to propose the projects to be undertaken, with at least **50% of the projects** being implemented by them.
- **Work-Site Amenities** such as childcare facilities, access to clean drinking water, provision of first aid, and shaded areas are provided.
- **Transparency and Accountability:** It includes proactive disclosure through wall notices, citizen information boards, and the utilization of the **Management Information System (MIS)** and Social audits.
- **Funding:** entails the Central Government covering 100% of the costs for unskilled wages and 75% for skilled, semi-skilled labour, and materials, with states contributing the remaining 25%. Additionally, the Centre bears 6% of administrative expenses to facilitate effective implementation of the Act.

AAJEEVIKA (National Rural Livelihoods Mission)

- The **Swarnjayanti Gram Swarozgar Yojana (SGSY)** initiated in 1999 for rural self-employment was later restructured into the **National Rural Livelihoods Mission (NRLM),** now known as **"Aajeevika"** launched formally in 2011.
- NRLM aims to **reduce poverty** by facilitating access to self-employment and skilled wage opportunities for poor households, fostering sustainable grassroots institutions.
- The implementation of NRLM is conducted in a mission mode, facilitating:
  - a transition from an **allocation-based to a demand-driven strategy,** empowering states to devise their poverty reduction plans based on livelihoods,
  - emphasis on **goals, outcomes, and timely delivery,**
  - ongoing capacity building to **provide necessary skills and establish connections with livelihood opportunities** for the poor, including those in the organised sector, and
  - monitoring progress against poverty outcome targets.
- **Key Features of NRLM (Aajeevika):**
  - **Universal Social Mobilisation:** NRLM adopts a comprehensive approach to social mobilization, aiming to enroll at least one woman from every identified rural poor household into the Self Help Group (SHG) network within a specified timeframe. Aajeevika prioritizes inclusivity, ensuring significant representation from vulnerable groups, including 50% from Scheduled Castes/Tribes (SC/STs), 15% from minorities, and 3% from persons with disabilities, while working towards full coverage of Below Poverty Line (BPL) families.
  - **Promotion of Institutions of the Poor:** Strong institutions like SHGs are established to empower the poor and serve as platforms for knowledge dissemination and economic activities.
  - **Training, Capacity Building and Skill Building:** Aajeevika focuses on training, capacity building, and skill development for the economically disadvantaged. It equips them with essential skills to manage their institutions, engage with markets, sustain their livelihoods, and improve their credit absorption capacity and creditworthiness. A comprehensive approach is taken to continuously build the capacities of targeted families, Self Help Groups (SHGs), their federations, government officials, bankers, NGOs, and other key stakeholders.
  - **Revolving Fund and Capital Subsidy:** Subsidies in the form of revolving funds and capital are provided to eligible SHGs to encourage savings and meet their credit needs.
  - **Universal Financial Inclusion:** NRLM promotes financial literacy and facilitates access to financial services for the poor through partnerships with the financial sector and the use of ICT-based solutions.

- **Provision of Interest Subsidy:** Interest subsidies are provided to eligible SHGs to ensure affordable credit for their livelihood activities.
- **Infrastructure Development and Marketing Support:** NRLM supports the creation of infrastructure and provides marketing assistance to improve the livelihood activities of the poor.
- **Skills and Placement Projects:** NRLM scales up skill development projects through partnerships with various organizations to create livelihood opportunities, especially for youth.
- **Rural Self Employment Training Institutes (RSETIs):** NRLM encourages the establishment of RSETIs by public sector banks to provide training and support for rural youth to become self-employed entrepreneurs.
- **Funding Pattern:** NRLM is a centrally sponsored scheme with funding shared between the Centre and states, with variations in the funding ratio of 75:25 for different regions (90 : 10 for northeastern states including Sikkim; fully funded by the Centre for Union Territories).
- **Mahila Kisan Sashaktikaran Pariyojana (MKSP):** MKSP, a sub-component of NRLM, focuses on empowering women in agriculture to enhance their livelihoods and reduce vulnerability.
- **Himayat:** Under NRLM, the Himayat scheme is implemented to provide skill training and employment opportunities for unemployed youth in Jammu and Kashmir.

Pradhan Mantri Awas Yojana (PMAY)

- The rural housing program began as an independent initiative with the launch of the **Indira Awaas Yojana (IAY)** in January 1996.
- However, during concurrent evaluations and a performance audit by the Comptroller and Auditor General (CAG) of India in 2014, certain gaps were identified in IAY.
  - These included issues such as non-assessment of housing shortages, lack of transparency in beneficiary selection, poor house quality and insufficient technical supervision, absence of convergence, low uptake of loans by beneficiaries, and weak monitoring mechanisms, all of which limited the program's impact and outcomes.
- To address these gaps and fulfil the government's commitment to providing **"Housing for All"** by 2024, the IAY has been restructured into the Pradhan Mantri Awaas Yojana.
- It encompasses two components: **Pradhan Mantri Awaas Yojana - Urban (PMAY-U) and Pradhan Mantri Awaas Yojana - Gramin (PMAY-G).**
- **PMAY-U:** Since **June 2015,** PMAY-U has been a flagship program of the Government of India, administered by the **Ministry of Housing and Urban Affairs (MoHUA).**
  - It aims to provide **durable homes** to eligible urban beneficiaries nationwide through States/UTs/Central Nodal Agencies.
  - PMAY-U covers all urban areas, including statutory towns as per Census 2011 and notified planning/ development areas, and operates through four verticals: **Beneficiary Led Construction/Enhancement (BLC), Affordable Housing in Partnership (AHP), In-situ Slum Redevelopment (ISSR), and Credit Linked Subsidy Scheme (CLSS).**
  - In August 2022, the **Union Cabinet extended PMAY-U until December 2024,** excluding CLSS, to complete already sanctioned houses by March 31, 2022.
  - All residences constructed under PMAY-U are equipped with **essential facilities** such as toilets, water supply, electricity, and kitchens. The initiative promotes gender empowerment by ensuring that homes are owned either by female members or jointly.
  - Additionally, priority is given to various **marginalised groups,** including differently abled individuals, senior citizens, SCs, STs, OBCs, minorities, single women, transgender persons, and other vulnerable segments of society. PMAY-U residences provide occupants with dignified living conditions, instilling a sense of security and ownership pride.
- The program employs **a flexible approach tailored to individual needs,** considering factors like geographical conditions, topography, economic status, land availability, and infrastructure.
- **PMAY-G:** Launched on **April 1st, 2016,** Pradhan Mantri Awaas Yojana Gramin (PMAY-G) is the central government's primary rural housing initiative, overseen by the **Ministry of Rural Development (MoRD) and implemented by the Ministry of Housing and Urban Affairs (MoHUA).**
  - PMAY-G aims to provide durable housing with essential amenities to households without homes or living in inadequate kutcha or dilapidated dwellings.
  - PMAY-G has been extended for an additional two years, until **March 31st, 2024.**
  - As of Feb, 2024, **2.56 crore houses have been built out of the targeted 2.95 crore.**
  - Beneficiaries are identified based on parameters from the **Socio-Economic and Caste Census (SECC) and verified by Gram Sabhas.**
- **Features of PMAY-G:**
  - Financial support of **₹ 1,20,000 per unit** is provided for dwellings in plain areas, and ₹ 1,30,000 per unit for those in hilly, difficult, and Integrated Action Plan (IAP) districts (including Himalayan states, North-Eastern states, and Union Territories of Jammu & Kashmir).

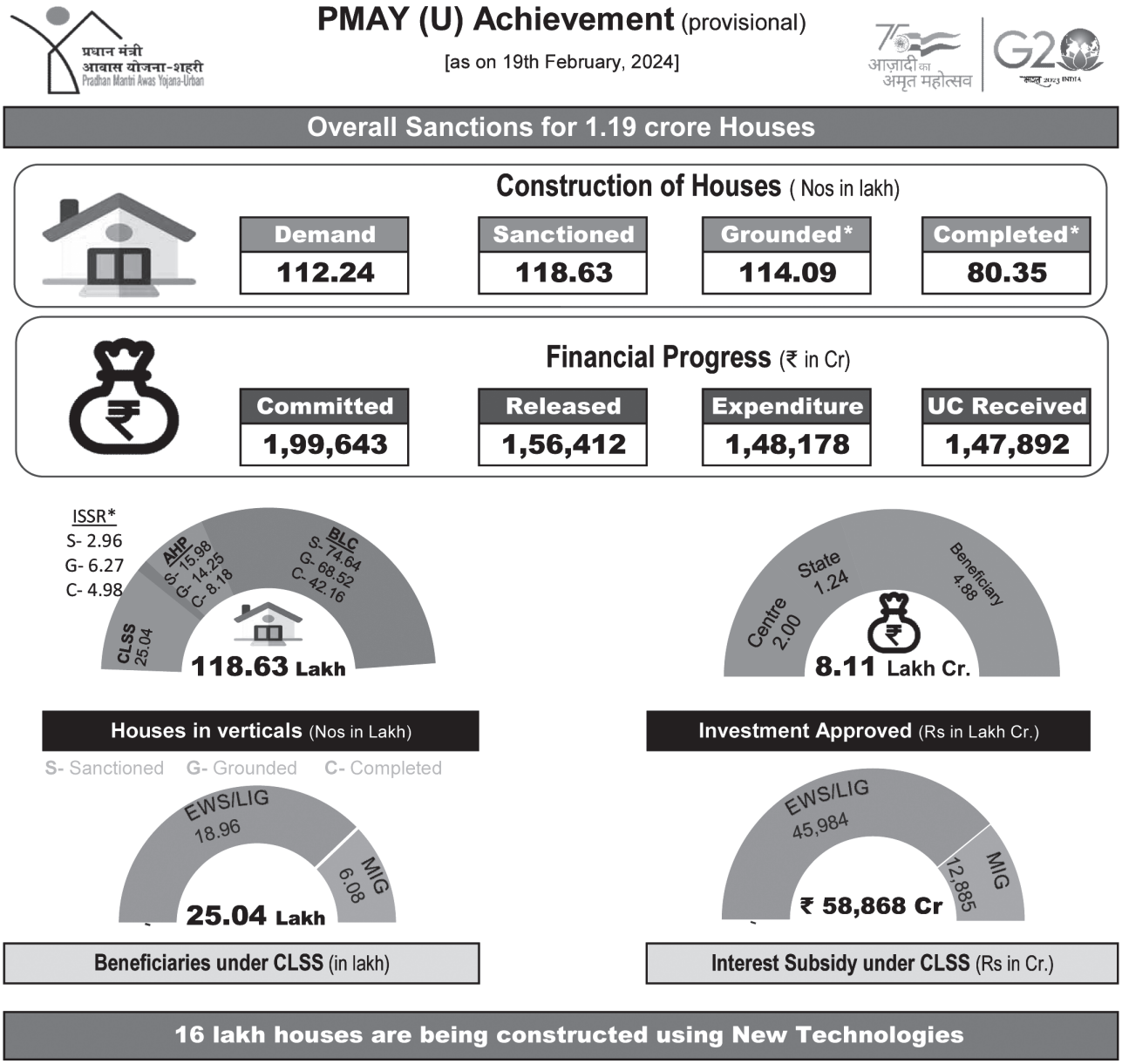


Fig 9.2: PMAY (U) Achievement

- Eligible beneficiaries can access institutional finance (loan) of up to ₹ 70,000 at a reduced interest rate of 3% to construct permanent houses, with a maximum subsidy amount of ₹ 2,00,000.

IGNITE YOUR MIND

Considering the multifaceted approach of Pradhan Mantri Awaas Yojana Gramin (PMAY-G) towards improving rural housing by integrating financial support, employment opportunities, and essential amenities, how do you think the convergence of PMAY-G with other government schemes like Swachh Bharat Mission-Gramin (SBM-G), MGNREGA, and Pradhan Mantri Ujjwala Yojana enhances the effectiveness of rural development initiatives in India?

- Houses must have a **minimum size of 25 square meters,** inclusive of space for hygienic cooking.
- Under **convergence with the Swachh Bharat Mission-Gramin (SBM-G),** beneficiaries receive up to ₹ 12,000 for constructing toilets.
- Additionally, under **convergence with the MGNREGA,** beneficiaries are provided with 90 days unskilled wage assistance and 95 days unskilled wage assistance to beneficiaries in IAP areas
- **Convergence with the Pradhan Mantri Ujjwala Yojana** ensures one LPG connection per household.
- Further convergence with various government programs facilitates access to piped drinking water, electricity connection, clean and efficient cooking fuel, and treatment of social and liquid waste.
- Payments are made electronically **directly to bank accounts or post office accounts** linked to Aadhaar.

Pradhan Mantri Gram Sadak Yojana (PMGSY)

- The Pradhan Mantri Gram Sadak Yojana (PMGSY) is a flagship program of the Government of India aimed at providing all-weather road connectivity to unconnected rural habitations.
- Launched on 25th December 2000, PMGSY seeks to improve rural accessibility, enhance socio-economic development, and facilitate the delivery of essential services to rural communities.
- The program prioritizes connectivity to villages with a population of 500 or more in the plains, and 250 or more in hilly and tribal areas.
- It operates on a partnership model between the central and state governments, with funds being shared in the ratio of 60:40 (90:10 for the Northeastern and Himalayan states).
- **PMGSY - Phase I:** Launched in December 2000, PMGSY - Phase I operated as a 100% centrally sponsored scheme. It aimed to connect 1,35,436 habitations and upgrade 3.68 lakh km of existing rural roads to ensure comprehensive farm-to-market connectivity.
- **PMGSY - Phase II:** Following the success of Phase I, the Government of India introduced PMGSY-II in 2013. This phase focused on upgrading 50,000 km of the existing rural road network to enhance overall efficiency. While Phase I continued, Phase II aimed to improve the infrastructure of roads already built for village connectivity. The cost was shared between the central government and the states/Union Territories.
- **PMGSY - Phase III:** Approved by the Cabinet in July 2019, Phase III of PMGSY prioritizes the development of Gramin Agricultural Markets (GrAMs), higher secondary schools, and hospitals. GrAMs are retail agricultural markets located near the farm gate, facilitating efficient transactions of farmers' produce. Under PMGSY-III, 1,25,000 km of road length across states will be consolidated. The scheme is operational from 2019-20 to 2024-25.

key features of PMGSY

- **Decentralised Planning:** The program adopts a decentralized network planning approach for rural roads, with District Rural Roads Plans (DRRPs) developed for all districts. A Core Network is derived from the DRRP to ensure connectivity to each target habitation.
- **Standards and Specifications:** A Manual on Geometric Standards, Design, Construction, and Maintenance of Rural Roads has been published by the Indian Roads Congress under the Ministry of Rural Development's guidance.
- **Detailed Project Reports and Scrutiny:** To ensure quality output, proper surveys and investigations are mandated for each road project. Detailed Project Reports (DPRs) are prerequisites for project approval, with independent scrutiny to verify design adequacy and project preparation.
- **Institutional Arrangements:** The Ministry of Rural Development oversees program implementation at the central level. The National Rural Roads Development Agency (NRRDA) provides technical and managerial support. State Nodal Departments and State Rural Roads Development Agencies (SRRDAs) handle implementation at the state level, with Program Implementation Units (PIUs) formed at the district level as per workload.
- **Procurement Process:** The program follows best practices in procurement, with a Standard Bidding Document (SBD) developed for work procurement. All works are procured and managed based on SBD provisions, and e-procurement ensures transparency.
- **Quality Assurance:** PMGSY emphasizes quality, with a three-tier Quality Management Mechanism established.
- **Maintenance:** Contracts include a five-year defect liability period and paid routine maintenance post-completion by the same contractor to ensure the sustainability of road assets.
- **Online Monitoring, Management, and Accounting System:** A web-based Online Monitoring, Management, and Accounting System (OMMAS) has been developed for transparent program implementation.
- **Operations Manual and Programme Monitoring:** The **"Operations Manual"** outlines all program operations, covering institutional structures, planning, design, project preparation, procurement, quality, technical agencies, monitoring, maintenance management, and road safety.

National Social Assistance Programme (NSAP)

- The Constitution of India includes **Directive Principles of State Policy,** which mandate the state to implement various welfare measures within its resources.
- Notably, **Article 41** directs the state to offer public assistance to citizens facing unemployment, old age, sickness, disablement, and other forms of destitution within its economic constraints and developmental capabilities.
- Aligned with these principles, the Government of India initiated the National Social Assistance Programme (NSAP) in 1995.
- Currently, the NSAP encompasses the following **five schemes:**
  - **Indira Gandhi National Old Age Pension Scheme (IGNOAPS):** This scheme provides a monthly pension of Rs. 200/- to BPL individuals aged 60 years or above, up to 79 years, and Rs. 500/- thereafter.

- **Indira Gandhi National Widow Pension Scheme (IGNWPS):** BPL widows aged 40-79 years are eligible for a monthly pension of Rs. 300/-.
- **Indira Gandhi National Disability Pension Scheme (IGNDPS):** BPL individuals aged 18-79 years with severe and multiple disabilities receive a monthly pension of Rs. 300/-.
- **National Family Benefit Scheme (NFBS):** BPL households receive a lump sum of Rs. 20,000/- upon the death of the primary breadwinner aged between 18 and 60 years.
- **Annapurna:** Eligible senior citizens who are not covered under NOAPS receive 10 kg of free food grains per month under this scheme.

Digital India Land Records Modernization Programme (DILRMP)

- To advance the modernization of the country's land records system, a revised initiative called the Digital India Land Records Modernization Programme (DILRMP), formerly known as the **National Land Records Modernization Programme (NLRMP),** has been devised.
- This revamped program combines two centrally sponsored schemes: the **Computerization of Land Records (CLR) and the Strengthening of Revenue Administration and Updating of Land Records (SRA&ULR).**
- It was launched to address the challenges associated with outdated land records systems and to **streamline the management of land-related information** across the country.
- NLRMP focuses on digitising land records, computerising land registration processes, updating cadastral maps, and establishing online systems for land-related services.
- By leveraging technology and adopting best practices, NLRMP aims to improve **land governance, enhance land tenure security, facilitate land transactions, and prevent disputes** related to land ownership and usage.
- **Features**
  - **Real-time land ownership records** will be readily accessible to citizens.
  - **Free access** to these records will minimize interaction between citizens and government officials, thereby decreasing opportunities for corruption and harassment. Utilizing the **Public-Private Partnership (PPP) mode of service delivery** will further streamline citizen interaction with government agencies, while enhancing convenience.
  - The **single-window service** or web-enabled "anytime-anywhere" access will save citizens time and effort in obtaining **Record of Rights (RoRs)** and other documents.
  - **Automated mutations** will significantly reduce the potential for fraudulent property transactions.
  - **Conclusive titling** will also notably decrease litigation.
  - Certificates containing land-related data (such as domicile, caste, income, etc.) will be accessible to citizens through computer systems.
  - This approach will **facilitate electronic linkages to credit facilities.**
  - **Information on eligibility for government programs** will be accessible based on the provided data.

Swachh Bharat Mission(SBM)/Total Sanitation Campaign (TSC)

- In 2014, the **Nirmal Bharat Abhiyan (NBA)** scheme was discontinued and replaced by the revamped Swachh Bharat scheme with the goal of achieving an **Open Defecation Free (ODF)** India by October 2, 2019, in honour of Mahatma Gandhi.
- The program resulted in the construction of over 10 crore individual household toilets, increasing sanitation coverage from **39% in 2014 to 100% in 2019,** with approximately 90% villages declaring themselves ODF.
- Studies indicate that the SBM-G campaign had significant economic, environmental, and health impacts, particularly benefiting women, and also led to the **accomplishment of SDG 6.2 (Sanitation and Hygiene),** 11 years ahead of schedule.
- In February 2020, the Government of India approved Phase-II of the SBM-G with a total outlay of Rs. 1,40,881 crores, focusing on sustaining the ODF status and implementing **Solid and Liquid Waste Management (SLWM)** in villages to achieve **ODF Plus status** by 2024-25.
- The **Department of Drinking Water and Sanitation (DDWS)** has been implementing various innovative campaigns to accelerate momentum towards achieving ODF Plus goals, aiming for a cleaner, greener, and healthier nation.
- Community participation remains integral to the success of these efforts.
  - During the **Swachhata Hi Seva 2023 campaign,** over 109 crore individuals and 71 Ministries and Departments of the Government of India participated, demonstrating widespread engagement and commitment to the cause of sanitation and hygiene.

Pradhan Mantri Adarsh Gram Yojana (PMAGY)

- **Article 46 of Part IV** of the Constitution, which pertains to the "Directive Principles of State Policy," mandates the State to prioritise the educational and economic welfare of marginalised sections, especially Scheduled Castes and Scheduled Tribes.

- Similarly, **Article 38(2)** within the same section directs the State to mitigate income disparities and strive to eradicate inequalities in status, access to facilities, and opportunities, both among individuals and various groups based on geographical location or occupation.
- In order to facilitate an area-based development approach, the Pradhan Mantri Adarsh Gram Yojana (PMAGY) was **introduced in 2009-10.**
- This scheme is designed to promote the **integrated development of villages** with a majority population of Scheduled Castes by:
  - Facilitating the coordinated implementation of relevant central and state/union territory government schemes; and
  - Undertaking specific activities that are not covered under existing central and state government schemes, using "Gap-filling" funds provided as central assistance up to Rs. 20.00 lakh per village.
- The implementation of the scheme commenced on a pilot basis in 2009-10, with a total of 1000 villages selected from five states: **Tamil Nadu (225), Rajasthan (225), Bihar (225), Himachal Pradesh (225), and Assam (100).** All these selected villages have since been declared as 'Adarsh Gram' (model villages) by their respective state governments.
- In the following years, during 2014-15, PMAGY was further expanded (Phase-I) to include an additional 1500 villages across 11 states: Andhra Pradesh (7), Assam (75), Chhattisgarh (175), Jharkhand (100), Haryana (12), Karnataka (201), Madhya Pradesh (327), Odisha (175), Punjab (162), Telangana (6), and Uttar Pradesh (260).

Members of Parliament Local Area Development Scheme (MPLADS)

- The inception of the Member of Parliament Local Area Development Scheme (MPLADS) dates back to **1993.**
- This initiative was introduced to offer Members of Parliament a platform to suggest developmental projects aimed at establishing lasting community assets and offering essential amenities, such as community infrastructure, in response to locally identified requirements.
- Each Member of Parliament (MP) has the authority to propose **works amounting to Rs. 5 Crores annually** to be undertaken in their respective constituency, as suggested to the District Collector.
- **Rajya Sabha MPs can recommend projects in one or multiple districts within their state** of representation.
- Similarly, **Nominated Members of Rajya Sabha have the flexibility to choose any district from any state** in the country for the execution of their selected works under the scheme.
- Guidelines for the MPLADS, including its implementation and monitoring procedures, have been issued by the Ministry. The department has taken all requisite measures to ensure the successful execution of the scheme at the grassroots level.

Smart Cities Mission

- The Smart Cities Mission, inaugurated on **June 25, 2015,** aims to cultivate cities that offer **essential infrastructure, a clean and sustainable environment**, and a high quality of life to their residents through the implementation of innovative solutions.

Community at the core
Communities at the core of planning and implementation
More from Less
Ability to generate greater outcomes with the use of lesser resources
Coorporative & Competitive Federalism
Cities selected through competion; flexibility to implement projects
Integration, Innovation, Sustainability
Innovating methods; integrated and sustainable solutions
Technology as means, not the goal
Careful selection of technology, relavant to the context of cities
Convergence
Sectorial and Financial Convergence

Fig 9.3: Fundamental principles of Smart Cities Mission

- The mission seeks to stimulate economic growth and enhance living standards by addressing various aspects of city life, including **social, economic, physical, and institutional development**.
- Its emphasis lies on fostering sustainable and inclusive growth by establishing scalable models that can serve as **guiding examples for other aspiring cities.**
- Through a competitive two-stage process, **100 cities have been chosen** for transformation into Smart Cities.
- The Mission operates as a **Centrally Sponsored Scheme**.
- Funding for these projects is projected to come from various sources, with 45% coming from Mission grants, 21% from convergence, 21% from PPP, and the remainder from other channels.

The Role of Asha Workers in Maternal and Child Health

- The **Accredited Social Health Activist (ASHA)** program, initiated in 2005-06 under the **National Rural Health Mission** and later expanded to urban areas with the National Urban Health Mission in 2013, aims to improve health outcomes, particularly for women and children, and address geographical and socioeconomic disparities.

- ASHAs, primarily women aged 25-45, are selected **from local communities and trained** to serve as health advocates and providers. Though literacy is preferred, formal education requirements may be relaxed based on the availability of qualified candidates.
- ASHAs are not government employees but serve in a **voluntary capacity.**
- Asha workers play a pivotal role in promoting maternal and child health by serving as frontline health workers in communities across India.
  - **Community Outreach:** Asha workers conduct door-to-door visits and community meetings to raise awareness about maternal and child health issues, including the importance of antenatal care, institutional deliveries, and immunizations. Usually, the guideline is **"1 ASHA per 1000 population."** However, in tribal, hilly, and desert regions, this criterion may be adjusted to "1 ASHA per habitation" based on workload assessment.
  - **Antenatal Care:** They facilitate early registration of pregnancies, encourage expectant mothers to undergo regular check-ups, and promote the consumption of iron and folic acid supplements to prevent anaemia during pregnancy.
  - **Institutional Deliveries:** Asha workers advocate for institutional deliveries by educating families about the benefits of delivering babies in healthcare facilities, where skilled birth attendants can provide essential care and manage complications.
  - **Postnatal Care:** After childbirth, Asha workers monitor the health of mothers and newborns, provide guidance on breastfeeding, newborn care practices, and recognize signs of illness that require medical attention.
  - **Immunisation Drives:** They organise immunisation sessions, mobilise families to ensure children receive timely vaccinations as per the national immunisation schedule, and track immunisation coverage in their respective areas.
  - **Health Education:** Asha workers conduct health education sessions on topics such as family planning, nutrition, hygiene, and sanitation to promote healthy behaviours and prevent diseases among mothers and children.
  - **Referral Services:** They facilitate referrals of pregnant women and sick children to healthcare facilities for further evaluation and treatment, ensuring timely access to essential healthcare services.

IGNITE YOUR MIND

Given the critical role of Accredited Social Health Activists (ASHA) in bridging the healthcare gap for maternal and child health in India's diverse geographic and socioeconomic landscape, how do you evaluate the impact of ASHAs' community-based strategies on improving health outcomes among women and children, particularly in remote and underserved areas?

PM Street Vendor's AtmaNirbhar Nidhi (PM SVANidhi)

- The **Ministry of Housing and Urban Affairs (MoHUA)** initiated the Prime Minister Street Vendor's Atma Nirbhar Nidhi (PM SVANidhi) Scheme on June 1, 2020.
- PM SVANidhi, a central sector scheme aims to provide **collateral-free working capital loans** to street vendors impacted by the COVID-19 pandemic, facilitating their business restart.
- The scheme's objectives include:
  - Offering collateral-free working capital loans up to **₹10,000** for one year, with increased amounts of **₹20,000 and ₹50,000 in subsequent tranches upon timely repayments.**
  - Providing an **interest subsidy of 7% per annum** to encourage regular repayments.
  - **Incentivizing digital transactions** with cashback rewards of up to ₹1,200 per year.
- **Lending institutions** participating in the 'SVANidhi se Samriddhi' program include Scheduled Commercial Banks, Regional Rural Banks, Small Finance Banks, Cooperative Banks, Non-Banking Financial Companies, Micro-Finance Institutions, and SHG Banks.

SVANidhi se Samriddhi Programme

- Launched on January 4th, 2021, in 125 cities during Phase 1, covering approximately 35 Lakh Street vendors.
- Objective
  - Map the socio-economic profile of PM SVANidhi beneficiaries and their families.
  - Evaluate their potential eligibility for various Central welfare schemes and facilitate their access to these schemes.
- The **Quality Council of India (QCI)** serves as the implementing partner for the program.

Jal Jeevan Mission (JJM)

- The program is led by the **Ministry of Jal Shakti** in collaboration with the state government.

- The JJM aims to ensure that every rural household in India has access to safe and sufficient drinking water through individual household tap connections by the year 2024

Key Features

- Shifts focus on water supply from **'habitations to households'**
- Emphasizes **'service delivery' and 'functionality'** of public utilities
- Promotes **community ownership** for long-term sustainability
- **Empowers women and weaker sections** in managing water supply
- Ensures **piped water supply** in schools, anganwadi centres, and ashramshalas
- Addresses potable drinking water needs in quality-affected habitations
- Includes **surveillance of water quality** by the local community, particularly involving women.
- **Water Quality Monitoring & Surveillance (WQM&S) activities** are supported, with States/UTs able to allocate up to 2% of annual funds for related initiatives, including setting up testing laboratories and procuring equipment.
- **It operates through an institutional mechanism including:**
  - National Jal Jeevan Mission (NJJM)
  - State Water and Sanitation Mission (SWSM)
  - District Water and Sanitation Mission (DWSM)
  - Village Water & Sanitation Committee (VWSC)/ User Committee
- **The fund sharing pattern varies:**
  - **100% for Union Territories** without legislature
  - **90:10 for North Eastern & Himalayan States and UTs with legislature**
  - **50:50** for the rest of the States.

Samarth (Scheme for Capacity Building in Textiles Sector) Scheme

- Samarth is a **placement-oriented skilling program under the Ministry of Textiles,** operating until March 2024.
- It aligns with the broader skilling policy of the **Ministry of Skill Development & Entrepreneurship.**
- The program aims to complement industry efforts in creating jobs within the organized textile sector, **covering the entire value chain except for Spinning and Weaving.**
- The training curriculum is tailored to meet the technological and market demands of both domestic and international economies.
- Additionally, Samarth includes provisions for **upskilling and reskilling** initiatives to enhance the productivity of workers in the Apparel & Garmenting segments, as well as to address the needs of traditional textile sectors such as handloom, handicraft, silk, and jute.
- Samarth incorporates cutting-edge features such as the **Aadhaar Enabled Biometric Attendance System (AEBAS), Training of Trainers (ToT), CCTV recording of training sessions, a dedicated call centre with a helpline number, a mobile app, a web-based Management Information System (MIS),** and **online monitoring** of the training process.
- State, district, and training centre-wise information/data are available on a public dashboard.
- The scheme's implementation involves several key processes
  - Proposed training centers are physically verified by dedicated government agencies to ensure they meet the required infrastructure standards for each course.
  - An end-to-end digital solution streamlines implementation and monitoring.
- Employment linkage is a crucial aspect of organized textile sector courses, with **mandatory placement targets set at 70% for entry-level programs and 90% for upskilling initiatives.**
  - Wage compensation is being provided for traditional sector courses by sectoral organizations of the Ministry to trainees.
  - Beneficiaries pursuing self-employment will be eligible for **concessional credit under the Pradhan Mantri MUDRA Yojana.**
- A mobile app facilitates physical verification of training centres, complete with **geo-tagging and time-stamped photographs.**
- **Third-party assessments of trainees and QR code-enabled e-certificates** have been introduced.

Credit Guarantee Fund Trust for Micro and Small Enterprises (CGTMSE)

- The scheme was formally initiated **in 2000** through the establishment of the Credit Guarantee Fund Trust for Micro and Small Enterprises (CGTMSE) by the **Ministry of Micro, Small and Medium Enterprises, GoI, and SIDBI.** The corpus of CGTMSE is contributed by the GoI and SIDBI in a 4:1 ratio.
- Eligibility criteria encompass **both existing and new enterprises** engaged in manufacturing, services (including trading), and educational/training institutions, while **SHGs and agriculture are ineligible.**
- **Lending institutions:** Scheduled Commercial Banks, selected Regional Rural Banks, NBFCs, Small Finance Banks (SFBs), Scheduled Urban Co-operative, and Microfinance Institutions (MFIs), are eligible to participate.
- The scheme covers fund and non-fund based **credit facilities up to Rs. 500 lakh per eligible borrower.**

- An **Annual Guarantee Fee (AGF)** is charged on the guaranteed amount, with recent reductions bringing the minimum guaranteed fee to 0.37% pa for loans up to ₹1 crore.
- Lending institutions can invoke the guarantee when accounts become **Non-Performing Assets (NPAs),** with certain conditions waived for credit facilities up to Rs. 10 lakh.
- The Guarantee cover extends for the agreed tenure of the term loan/composite credit or up to 5 years for working capital, renewable for successive 5-year blocks.

Category (Including Trading Activity)	Maximum extent of Guarantee Coverage		
	Where Guaranteed Credit Facility is		
	Upto ₹ 5 lakh	Above ₹ 5 lakh & upto ₹ 50 lakh	Above ₹ 50 lakh & upto ₹ 500 lakh
Micro Enterprises	85%	75%	75%
MSEs located in the North East Region (incl. Sikkim, UT of Jammu & Kashmir and UT of Ladakh)	80%		
Women entrepreneurs/ SC/ST entrepreneurs/ MSEs situated in Aspirational District/ZED certified MSEs/Person with Disability (PwD)/MSE promoted by Agniveers	85%		
All other category of borrowers	75%		

Ude Desh Ka Aam Nagrik (UDAN)

- Ude Desh Ka Aam Naagrik (UDAN) was introduced **in 2016 as part of the Regional Connectivity Scheme (RCS)** under the purview of the **Ministry of Civil Aviation.**
- Launched to fulfil the aspirations of the common citizen by following the vision of 'Ude Desh ka Aam Nagrik', with enhanced aviation infrastructure and air connectivity in **tier II and tier III cities.**
- Objectives
  - Foster the growth of the regional aviation sector.
  - Offer affordable, financially sustainable, and profitable air travel options on regional routes, extending access to air travel even in smaller towns for the general populace.
- The Regional Connectivity Scheme aimed to achieve its goals by providing both **monetary Viability Gap Funding (VGF) and non-monetary incentives to airline operators for a limited period of 3 years.**

Other UDAN Initiatives

KRISHI UDAN: initiated by the Ministry of Civil Aviation in August 2020, aims to facilitate the transportation of agricultural products for farmers, thereby enhancing their value realization.

International UDAN: the program intends to establish direct air connectivity between India's smaller cities and key foreign destinations in the vicinity.

Lifeline Udan: A governmental initiative, facilitates the air transportation of medical cargo and essential supplies throughout India during the Covid-19 crisis. The program is spearheaded by the Ministry of Civil Aviation.

- State-level coordination committees were formed to offer concessions and monitor airport infrastructure development in a spirit of cooperative federalism.
- To ensure affordability, airfares on routes with VGF support were capped at rates determined by the government.
- The scheme employed a transparent, two-step bidding process for selecting airline operators, **promoting fairness and competitiveness.**
- The implementation of the scheme was facilitated by technology-enabled processes, including a **web-based mechanism** for efficient administration.
- UDAN was funded sustainably through a small fee levied on flights operating on specified domestic routes, making it the first scheme of its kind in this regard.
- Different versions of UDAN
  - **UDAN 1.0 (December 2016):** This version focused on connecting unserved and underserved airports across the country through subsidized flights.
  - **UDAN 2.0 (September 2017):** With an increased emphasis on hilly areas, north eastern states and island states, UDAN 2.0 aimed to enhance connectivity to these underconnected regions.
  - **UDAN 3.0 (October 2018):** UDAN 3.0 expanded its scope by including tourism routes in coordination with the Ministry of Tourism. Additionally, it introduced seaplanes for connecting water aerodromes and incorporated the International Air Connectivity Scheme within the RCS-UDAN framework.
  - **UDAN 4.0 (December 2019):** This version focused on awarding and operationalizing cancelled routes from previous UDAN rounds, as well as routes specifically requested by state governments, the Ministry of Tourism, and the Ministry of Development of North East Region

- **UDAN 5.0 (April 2023):** UDAN 5.0 aims to further enhance connectivity to remote and regional areas of the country, emphasising achieving last-mile connectivity.

Pradhan Mantri Shram Yogi Maan-dhan (PM-SYM)

- It is a Central Sector Scheme under the purview of the Ministry of Labour and Employment.
- Implementation is carried out through the **Life Insurance Corporation of India (LIC) and CSC e-Governance Services India Limited (CSC SPV).**
  - **LIC serves as the Pension Fund Manager** responsible for pension payouts, while **Common Services Centres (CSC) nationwide handle enrollment** at no cost to the subscriber.
- The beneficiary can join the scheme at the **age of 18-40 years** and has to contribute until 60 years of age.
- Should be an unorganised worker with a **monthly income Rs. 15000 or below.**
- This **voluntary and contributory pension scheme** ensures a minimum assured pension of **Rs 3000/- per month upon reaching the age of 60.**
- In the event of the subscriber's demise, the **spouse is entitled to receive 50% of the pension** as a family pension.
- To enroll, one needs an Aadhar card and a Savings Bank Account or Jan Dhan account with an IFSC code.
- Contributions are primarily made monthly via auto-debit, with options for quarterly, half-yearly, or yearly contributions. The **government matches the subscriber's contribution.**
- The **exit criteria** of the scheme offer flexibility:
  - Exiting the scheme within 10 years results in the beneficiary receiving only their contribution, along with savings bank interest.
  - If subscriber exits after a period of 10 years or more but before superannuation age i.e. 60 years of age, the beneficiary's share of contribution along with accumulated interest as actually earned by fund or at the savings bank interest rate whichever is higher
  - In cases of disability or other reasons preventing contribution or death of beneficiary, beneficiary's spouse will be entitled to continue the scheme subsequently by payment of regular contribution or exit the scheme by receiving the beneficiary's contribution with interest .
- **Defaulted contributions** can be regularized by paying outstanding dues along with penalties, if any.
- Eligible individuals can also **join PM-SYM in addition to Atal Pension Yojana.**

SVAMITVA (Survey of Villages and Mapping with Improvised Technology in Village Areas) Scheme

- It is a **Central Sector Scheme** under the Ministry of Panchayati Raj, officially launched in 2021.
- The scheme's objective is to provide rural India with a **comprehensive solution for property ownership in inhabited (Abadi) areas.**
  - This entails furnishing village household owners with Property Cards/Title Deeds as a **'record of rights.'**
- The scheme aims to **encompass 6.62 lakh villages** from the Financial Year 2020-21 to the Financial Year 2024-25.
- **Financial allocation:** Rs. 566 crore over 5 years, spanning 2020-25.

Key activities under the Scheme include

- **Large Scale mapping with Drones:** Survey of India will use drones to map rurally inhabited areas.
  - Generated maps are geo-referenced, capturing digital property images.
  - State Governments are responsible for preparing and distributing Property Cards based on these maps.
- **Establishment of a Continuous Operating Reference Station (CORS):** This network supports accurate geo-referencing and land demarcation.
- **SVAMITVA Dashboard:** A centralized online monitoring tool for real-time progress tracking.
- **DigiLocker App:** Beneficiaries can access and download property cards via the DigiLocker App.
- **Gram Manchitra:** National Informatics Centre (NIC) funds enhancements for the 'Gram Manchitra' spatial planning application.
- **Information, Education, and Communication (IEC)** activities to raise scheme awareness.
- Setting up **Programme Management Units** at the National and State levels.

Ayushman Bharat

- Ayushman Bharat, a cornerstone initiative of the Indian government, was introduced in alignment with the National Health Policy 2017 to realize the goal of **Universal Health Coverage (UHC).**
- **Aligned with the Sustainable Development Goals (SDGs)** and the overarching principle of inclusivity, Ayushman Bharat is crafted to ensure that **no individual is left behind.**
- It adopts a holistic continuum of care strategy encompassing two interconnected components:
  - Health and Wellness Centres (HWCs)
  - Pradhan Mantri Jan Arogya Yojana (PM-JAY)
- It provides coverage of up to **Rs. 5 lakh per family for both secondary care** (non-super specialist) and **tertiary care** (super specialist) services.

- Under PM-JAY, beneficiaries have access to **cashless and paperless services** at the point of care.
- The Health Benefits Packages encompass surgical, medical, and day care treatments, as well as the cost of medicines and diagnostics.
  - These packages entail fixed rates that cover all associated expenses, ensuring that **beneficiaries are not charged separately** by hospitals.
  - Additionally, the scheme imposes **daily limits on medical management.**
- Beneficiaries are identified based on the latest **Socio-Economic Caste Census (SECC) data,** making it an entitlement-based scheme.
- Funding for the scheme is shared among states and union territories, with a ratio of 60:40 for those with legislative powers, **90:10 for Northeast states, Jammu and Kashmir, Himachal Pradesh, and Uttarakhand,** and **100% central funding for union territories** without legislative powers.
- The **National Health Authority (NHA)** is established as an autonomous entity under the Society Registration Act, 1860, to oversee the effective implementation of PM-JAY in collaboration with state governments.
- Meanwhile, the **State Health Agency (SHA)** serves as the apex body of the state government responsible for executing AB PM-JAY within the state.

WELFARE SCHEMES FOR VULNERABLE SECTIONS

Scheduled castes

Constitutional Provisions

- Article 15(4), Article 16(4), Article 16(4A), and Article 16(4B) allow for reservation of seats and special provisions for socially and educationally backward classes.
- Article 46 mandates the state to promote the educational and economic interests of weaker sections, particularly Scheduled Castes (SC) and Scheduled Tribes (ST).
- Article 330/332 permits the reservation of seats for SC/ST in Parliament and state legislatures.

IGNITE YOUR MIND

Considering the comprehensive constitutional provisions aimed at safeguarding and promoting the interests of Scheduled Castes and Scheduled Tribes in India, how do these legal frameworks translate into tangible benefits for these communities, particularly in terms of reducing disparities in access to education, health, and economic opportunities?

- Article 338/338A/339 establishes the National Commission for SCs and STs to safeguard their interests.
  - Article 339 empowers the central government to direct states to execute plans for the welfare of STs.
  - Article 340 allows the President to appoint a commission to investigate the conditions of socially and educationally backward classes.

Other Measures

- The **Ministry of Social Justice and Empowerment** oversees welfare policies.
- The **National Commission for Scheduled Castes** monitors the implementation of protective laws.
- The **National Commission for Safai Karmacharis** addresses issues related to manual scavenging.
- **The Protection of Civil Rights Act, 1955, and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989,** provide legal protection.

Schemes

- **Post-Matric Scholarship for SC Students:** Provides financial assistance to SC students for pursuing higher education.
- **Pre-Matric Scholarship for SC Students:** Offers financial aid to SC students studying in classes 9 and 10 to encourage them to continue their education.
- **Babu Jagjivan Ram Chhatrawas Yojana:** Establishes hostels for SC students pursuing higher education away from their hometowns.
- **Venture Capital Fund for SCs:** Aims to provide financial support to SC entrepreneurs to start and grow their businesses.
- **Scheduled Caste Sub Plan (SCSP):** Implemented by state governments, SCSP ensures a portion of the state budget is allocated for the development of SCs.

Schedule Tribe

Constitutional Provisions

- **Article 19(5):** Allows state restrictions on movement or residence for Scheduled Tribes' benefit.
- **Article 164:** Mandates special ministers for tribal welfare in Chhattisgarh, Jharkhand, and Odisha.
- **Article 275:** Permits special grants to states for tribal welfare.
- **Article 366 (25):** Defines Scheduled Tribes.
- **Fifth Schedule (Article 244(1)):** Designates Scheduled Areas, with Tribal Advisory Councils (TAC) advising on tribal welfare.
- **Sixth Schedule (Article 244(2)):** Establishes District/Regional Councils with legislative powers in tribal areas of Assam, Meghalaya, Tripura, and Mizoram.

Other Measures

- **Tribal Sub-Plan (TSP):** Ensures sectoral fund allocation for tribal development.
- A **Tribes Advisory Council (TAC)** is mandated in states with Scheduled Areas. Its role is to advise the State Government on matters concerning the welfare and progress of Scheduled Tribes, as directed by the Governor.
- **National Scheduled Tribes Finance and Development Corporation.**
- In 1973, the **Dhebar Commission** established Primitive Tribal Groups (PTGs) as a distinct category, identifying them as the most underdeveloped among tribal communities. They were subsequently renamed PVTG.
- **Forest Rights Act:** Grants forest rights to tribes.

Schemes

- **Vanjeevan** is a program designed to address livelihood challenges in specific districts across six states with low Human Development Index (HDI) among tribal populations. It focuses on identifying local resources while considering existing skill levels. Launched by Ministry of Tribal Affairs (MoTA) in collaboration with UNDP and the National Scheduled Tribe Finance and Development Corporation (NSTFDC).
- **Vanbandhu Kalyan Yojana** aims to foster a conducive environment for the holistic development of tribal communities based on their needs and desired outcomes.
- **Radio Bultoo** utilizes Internet and Bluetooth technology to preserve endangered local dialects in tribal areas, facilitating information sharing and governance improvement.
- To promote the **'Tribes India' brand** nationally and internationally, Tribes India products will be available for sale on Amazon, following an **MoU signed between Trifed and Amazon.**

Minorities

Constitutional Provisions

- Article 29 safeguards the rights of minorities to conserve their distinct language, script, or culture and prohibits discrimination on these grounds.
- Article 30 grants religious and linguistic minorities the right to establish and administer educational institutions of their choice.

Sexual Minorities

Members of sexual minorities, including individuals who identify as **gay, lesbian, transgender, bisexual, kothi, and hijra,** encounter stigma and discrimination in society and within the healthcare system. Despite this, constitutional provisions aim to safeguard their rights **(Article 15(1)).**

- Article 350A ensures the preservation of the linguistic heritage of minorities by providing for special safeguards for linguistic minorities to conserve their language.

Other Measures

- The National Commission for Minorities oversees the protection of the rights and interests of religious and linguistic minorities.
- There is a Special Officer for Linguistic Minorities designated to address the concerns of linguistic minority communities.

Schemes

- **Jiyo Parsi:** A scheme aimed at reversing the declining population of the Parsi community by providing financial assistance and support for fertility treatments.
- **Free Coaching and Allied Scheme:** Offers coaching and guidance to minority students preparing for competitive exams and higher education.
- **National Minorities Development and Finance Corporation:** Provides financial assistance and support for the socioeconomic development of minority communities through various schemes and initiatives.
- **Progress Panchayat:** A campaign to raise awareness among minority communities, especially Muslims, about government policies and programs and dispel misconceptions.
- **Exclusive scholarship schemes:** Offer scholarships and financial aid to students belonging to minority communities to support their education and skill development.

Persons with Disabilities

Measures

- India is a signatory to the **UN Convention on the Rights of Persons with Disabilities.**
- Signatory to the **Marrakesh Treaty**
- **Rights of Persons with Disabilities Act, 2016,** replaced the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. This act ensures equal opportunities, protection of rights, and full participation for PWDs.
- The term **"Divyang" is being proposed as a replacement for "Viklang"** to foster a positive mindset. This change in terminology is expected to enhance self-confidence and promote empowerment.
- Kerala set a precedent by conducting its own census known as the **Kerala Disability Census for 2014-15,** becoming the first state to do so. Other states are encouraged to emulate this initiative.
- The government has introduced the **Mental Healthcare Act 2017,** aimed at preventing discrimination and enhancing autonomy in decision-making for individuals with mental health issues.

Schemes

- **Accessible India Campaign (Sugamya Bharat Abhiyan):** Aims to make public spaces, transport, and information accessible.
- **National Handicapped Finance and Development Corporation (NHFDC):** Provides loans, scholarships, and skill training.
- **Assistance to Disabled Persons for the Purchase/Fitting of Aids and Appliances (ADIP):** Offers financial assistance for assistive devices.
- **Deendayal Disabled Rehabilitation Scheme (DDRS):** Provides various schemes for rehabilitation and empowerment.
- **Rashtriya Vayoshri Yojana:** Distributes assistive devices to senior citizens belonging to BPL category.
- **National Action Plan for Skill Training of Persons with Disabilities (NAPS):** Focuses on skill development and employment opportunities.
- **Sugamya Pustakalaya:** An online library for persons with print disabilities.
- **Scheme for Implementation of Persons with Disabilities Act (SIPDA):** Aims to ensure the rights and facilities for persons with disabilities.
- **Divyang Sarathi:** A mobile application designed to provide accessible and comprehensive information to individuals with disabilities.

Elderly

Constitutional Provisions

- **Article 41** of the Directive Principles of State Policy (DPSP) stipulates that the State should, based on its economic capacity and development, ensure adequate provisions for public assistance for the elderly.
- Social security is a shared responsibility between the central and state governments **(Concurrent List).**

Other Measures

- **National Council of Senior Citizens (NCSC)** has been established to provide guidance to both the Central and State Governments on matters concerning the well-being of senior citizens and improving their quality of life. Chaired by the Minister for Social Justice & Empowerment, it addresses various issues related to senior citizens.
- The **Maintenance and Welfare of Parents and Senior Citizens Act, 2007,** legally mandates children and heirs to offer financial support, in the form of a monthly allowance, to their senior citizen parents.

Schemes

- **Atal Pension Yojana (APY):** A nationwide social security scheme accessible to all Indian citizens.
- **Rashtriya Vayoshri Yojana:** Provides physical aids and assisted-living devices to impoverished senior citizens.
- **Pradhan Mantri Vaya Vandana Yojana (PMVVY):** Exclusively caters to senior citizens aged 60 years and above, offering a pension scheme.

Women

Constitutional Provisions

- **Article 15(3):** empowers the state to make special provisions for women and children.
- **Article 23:** prohibits human trafficking and forced labor.
- **Article 39:** mandates equal pay for equal work, ensuring that men and women receive the same remuneration for performing the same tasks or jobs.
- **Article 42:** mandates the state to provide free maternity and healthcare benefits to women during pregnancy and childbirth.
- **Article 44:** encourages the state to work towards securing a uniform civil code for all citizens, irrespective of religion, aiming to harmonize personal laws related to marriage, divorce, inheritance, and adoption. It promotes gender justice and equality by advocating for a common set of laws governing these matters.
- **Article 51(A)(e):** urges citizens to renounce practices derogatory to the dignity of women.

Other Measures

- National Commission for Women
- Rashtriya Mahila Kosh (RMK)
- Domestic Violence Act, 2005
- Sexual Harassment of Women at Workplace(Prevention, Prohibition, Redressal) Act, 2013
- Maternity Benefit (Amendment) Act, 2017

Schemes

- **Beti Bachao Beti Padhao (BBBP):** Launched to address the declining child sex ratio and promote the education of girls. It aims to change societal mindsets towards the girl child and empower them through education.
- **Pradhan Mantri Matru Vandana Yojana (PMMVY):** Is a maternity benefit program that provides financial assistance to pregnant and lactating women for their first two living children provided the second child is a girl. It aims to reduce maternal mortality and improve nutrition levels among pregnant and lactating mothers.
- **Mahila Shakti Kendra (MSK):** It aims to empower rural women through community participation. MSK provides skill development, training, awareness programs, and support services to rural women, enhancing their socio-economic status.
- **Working Women Hostel Scheme:** Provides safe and affordable accommodation to working women, especially those from disadvantaged backgrounds, enabling them to pursue employment or education in urban areas.
- **Ujjawala Scheme:** Aims to combat the trafficking of women and children for commercial sexual exploitation by providing victims with rehabilitation services,

including shelter, counselling, vocational training, and education.

- **Swadhar Greh Scheme:** Provides temporary shelter, food, counselling, and rehabilitation services to women in difficult circumstances, such as victims of domestic violence, trafficking, or destitute women.
- **Sukanya Samriddhi Yojana:** A savings scheme exclusively for the girl child, aimed at securing her financial future. Parents or guardians can open an account for their daughter, and contributions made towards it accumulate with interest until maturity.
- **National Mission for Empowerment of Women (NMEW):** Works towards the economic and social empowerment of women by implementing various programs related to education, health, livelihood, and legal rights.
- **One Stop Centre (OSC) Scheme:** Provides integrated support and assistance to women affected by violence, including medical aid, counselling, legal aid, and temporary shelter, all under one roof.

Children

Constitutional Provisions

- Article 15(3) of the Indian Constitution empowers the state to make special provisions for the welfare of children and women.
- Article 21A: Provides for the right to free and compulsory education for children aged 6 to 14 years, ensuring access to education for all children.
- Article 24: Grants children the fundamental right against exploitation, prohibiting their employment in hazardous occupations or factories.
- Article 39(e) of the DPSP: Places the responsibility on the state to ensure that children are not abused or forced to work in conditions detrimental to their health and education.
- Article 45: Encourages the state to provide early childhood care and education for children up to 6 years of age, recognizing the importance of early childhood development and education in shaping their future well-being and success.

Other Measures

- Protection of Children from Sexual Offences Act, 2012
- Juvenile Justice (Care and Protection of Children) Act, 2015
- Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 & National Child Labour Project (NCLP)
- Prohibition of Child Marriage Act, 2006
- National Action Plan for Children, 2016

Schemes

- **Integrated Child Development Services (ICDS):** ICDS is a flagship program providing a package of services such as supplementary nutrition, immunization, health check-ups, and pre-school education to children under 6 years of age, as well as pregnant and lactating mothers.
- **Mid-Day Meal Scheme (MDMS):** MDMS aims to improve the nutritional status of school children by providing free mid-day meals in government and government-aided schools.
- **National Child Labour Project (NCLP):** NCLP is a rehabilitation program for child laborers, providing them with education, vocational training, and other support to facilitate their reintegration into mainstream society.
- **Sarva Shiksha Abhiyan (SSA):** SSA is a flagship program for the universalization of elementary education, ensuring access to quality education for all children aged 6 to 14 years.
- **Beti Bachao, Beti Padhao (BBBP) Scheme:** BBBP aims to address gender imbalance and promote the education of the girl child, with a focus on preventing gender-based discrimination and violence.
- **Child Protection Services (CPS):** CPS includes various schemes and initiatives aimed at protecting children from abuse, exploitation, trafficking, and other forms of harm, and providing them with care, support, and rehabilitation.
- **National Programme for Street Children (NPSC):** NPSC focuses on addressing the needs of street children by providing shelter, education, healthcare, and other essential services to ensure their well-being and social integration.

IGNITE YOUR MIND

Considering the range of constitutional provisions, legislative measures, and schemes aimed at protecting and promoting the welfare of children in India, how do these initiatives collectively address the multifaceted challenges faced by children?

CONCLUSION

Social inclusion and welfare policies play a crucial role in fostering equitable and inclusive societies. By ensuring access to basic services and opportunities for all individuals, these policies promote cohesion, reduce inequalities, and uphold human dignity. Through targeted interventions in education, healthcare, housing, and social protection, governments can dismantle systemic barriers and empower marginalised communities to fully participate in economic, social, and political life. Prioritizing social inclusion unlocks the potential of every individual, driving sustainable development and progress for all.

Environmental Governance

10

INTRODUCTION

Environmental governance refers to the process of decision-making and implementation of policies, laws, and regulations **aimed at managing and protecting the environment.** It involves the coordination of various stakeholders, including governments, businesses, communities, and non-governmental organisations, to address environmental challenges and promote sustainable development.

Environmental governance encompasses a wide range of activities, including **environmental planning, regulation, monitoring, and enforcement.** It also involves promoting **public participation, raising awareness** about environmental issues, and fostering local, national, and international cooperation.

Key tenets of environmental governance

- Integrating environmental considerations into all tiers of decision-making and activities.
- Viewing urban centres, societies, economic endeavours, and governmental operations as interlinked with the environment.
- Highlighting the interdependence between individuals and the ecosystems they inhabit.
- Advocating for the shift from linear, wasteful systems (e.g., one-time use and disposal) to circular, regenerative systems (e.g., permaculture and zero waste approaches).

Key Challenges in Environmental Governance

- The **lack of comprehensive agreements** at both continental and global levels hinders coordinated efforts to address environmental challenges. For example, the failure to reach binding agreements on reducing greenhouse gas emissions has hampered global efforts to combat climate change.
- Balancing economic **development with environmental sustainability and protection** often leads to **conflicting priorities.** For example, the construction of large dams like the Sardar Sarovar Dam in India has been crucial for water management and hydropower generation, supporting regional development. However, it faces criticism due to its adverse effects on biodiversity, displacement of indigenous populations, and disruption of river ecosystems.
- **Inadequate funding and resource allocation** for environmental initiatives constrain their effectiveness. Insufficient funding for pollution control measures in major rivers like the Ganges and Yamuna has hindered efforts to address water pollution, affecting the health of millions of people dependent on these water bodies.
- The **lack of integration among policies across sectors** like agriculture, industry, and transportation leads to disjointed approaches to environmental management. Industrial development often prioritises economic growth over environmental concerns, resulting in pollution and resource depletion. This lack of coordination leads to inadequate enforcement of pollution control measures and environmental standards.
- **Weak institutional capacities** at various levels of governance hinder effective environmental management in India. For example, the Central Pollution Control Board (CPCB) and State Pollution Control Boards (SPCBs) are responsible for regulating and enforcing environmental laws. However, they often lack sufficient resources, technical expertise, and manpower to monitor and address environmental issues adequately.
- **Lack of clarity regarding environmental objectives** and priorities leads to ambiguity in policy implementation. For example, unclear guidelines on forest land use may result in conflicting decisions regarding conservation and development projects.
- **Inadequate coordination** among UN, government, private sector and civil societies. For example plastic pollution.
- **Imbalance between environmental governance and trade/finance programs.** For instance, trade agreements negotiated under the WTO framework often prioritise the removal of trade barriers and the promotion of market access, which can lead to increased production and consumption of goods without adequate consideration for their environmental impacts.
- **Limited credit** for organisations involved in environmental projects. For instance, Limited credit availability can hinder the expansion of renewable energy capacity in India, slowing down the transition to a low-carbon energy system and impeding efforts to mitigate climate change.
- **Poor linkage between environmental organisations** (UNEP, UNDP and the World Bank) and multilateral agreements (Multilateral Environment Agreements). For example, the Paris Agreement.

- Government **capacity constraints** in meeting obligations. For example, India's challenges with implementing the Stockholm Convention on Persistent Organic Pollutants (POPs).
- **Lack of gender perspective and equity in governance.** For instance, in forest management practices, women are frequently excluded from community forest management committees or have limited representation, despite their extensive knowledge of local ecosystems and their dependence on forest resources for livelihoods and sustenance.
- **Difficulty in shaping public opinion.** For example, efforts to conserve wildlife and protect natural habitats in India are often met with resistance from local communities, particularly those living in or near protected areas as seen in Gir Forest National Park.
- There is often a significant **time lag between human activities and their environmental impacts,** making it difficult to attribute cause and effect. For example, deforestation may lead to soil erosion and loss of biodiversity over several years, making it challenging to link these outcomes directly to specific actions.
- Environmental systems are complex, and our understanding of them is often incomplete. This limited understanding can hinder effective decision-making and policy formulation. For example, uncertainties about the long-term effects of climate change make it challenging to develop robust adaptation strategies.

IGNITE YOUR MIND

What are the main obstacles to making environmental policies work worldwide, especially when countries need to work together to achieve global sustainability?

ENVIRONMENTAL POLICIES AND REGULATIONS

Government has taken various measures to protect the environment, conserve natural resources, and mitigate environmental degradation. These policies typically include a range of initiatives, standards, and regulations designed to promote sustainable development, reduce pollution, and preserve ecosystems.

Some of the important legislations for environmental protection include:

- **The Environment Protection Act, 1986:** This comprehensive legislation provides the framework for environmental protection and pollution control in India. It empowers the central government to take measures to protect and improve the environment and sets out penalties for violations of environmental laws.
- **The Water (Prevention and Control of Pollution) Act, 1974:** This law aims to prevent and control water pollution by regulating the discharge of pollutants into water bodies and establishing pollution control boards at the central and state levels.
- **The Air (Prevention and Control of Pollution) Act, 1981:** This legislation addresses air pollution by regulating emissions from industries, vehicles, and other sources. It also establishes central and state pollution control boards to monitor air quality and enforce regulations.
- **The Wildlife Protection Act, 1972:** This law provides for the protection and conservation of wildlife and their habitats. It regulates hunting, poaching, and trade in wildlife and establishes protected areas such as national parks and wildlife sanctuaries.
- **The Hazardous Waste Management Rules, 2016:** These rules govern the management, handling, and disposal of hazardous waste to prevent pollution and protect human health and the environment.
- **The Coastal Regulation Zone (CRZ) Notification, 2019:** This notification regulates development activities in coastal areas to protect fragile ecosystems, prevent erosion, and safeguard coastal communities from natural disasters.
- **The Plastic Waste Management Amendment Rules, 2021:** Introduced with the objective of eliminating single-use plastic by 2022. The proposed regulations on Extended Producer Responsibility for plastic packaging have also been issued. These regulations aim to enhance the circular economy for plastic packaging waste and encourage the innovation of alternative materials to plastics and sustainable packaging solutions.

Forest Rights Act and Conservation Policies

- The Forest Rights Act (FRA), enacted in 2006, is a significant legislation aimed at **recognizing and vesting forest rights and occupation in forest-dwelling communities,** particularly **Scheduled Tribes and Other Traditional Forest Dwellers.**
- It provides a legal framework for securing individual and community forest rights, including the **right to access, manage, and conserve forest resources.**
- The FRA also emphasises the importance of community participation and consent in forest management decisions, promoting a bottom-up approach to governance.
- Alongside the Forest Rights Act, various conservation policies and initiatives have been implemented to

safeguard India's forest resources and biodiversity. These include the **National Forest Policy, National Biodiversity Action Plan, Wildlife Protection Act, 1972** and initiatives like **Project Tiger** and **Project Elephant.**

- The **National Afforestation Programme (NAP)** promotes afforestation and reforestation activities to increase forest cover and combat deforestation.

The Forest (Conservation) Rules, 2022

The **Ministry of Environment, Forest and Climate Change (MoEFCC)** has recently released the Forest (Conservation) Rules, 2022, pursuant to Section 4 of the **Forest (Conservation) Act, 1980,** replacing the **Forest (Conservation) Rules, 2003.**

Provisions

- The regulations establish the formation of an **Advisory Committee** and a **Project Screening Committee** in each state/UT to provide advice or recommendations regarding forest conservation matters.
- To safeguard tribal rights, state governments are tasked with protecting traditional forestlands of Scheduled Tribes.
- Moreover, applicants seeking to divert forest land in hilly or mountainous states with extensive green cover or in states/UTs with significant forest cover can undertake compensatory afforestation in other states.

Criticism

- They **permit private developers to clear forests without prior permission from forest dwellers.**
- Additionally, the **Union Government can now authorise forest clearance** without informing authentic residents, conflicting with the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 which requires **governments to obtain free, prior, and informed consent** from forest dwellers before permitting projects on their traditional lands.

- The **Compensatory Afforestation Fund (CAF) Act** aims to mitigate the adverse impacts of forest diversion for non-forest purposes by promoting afforestation and regeneration activities.
- Additionally, India is a signatory to various international conservation agreements and conventions, such as the **Convention on Biological Diversity (CBD)** and the **Paris Agreement,** which guide its conservation efforts.
- These policies aim to balance conservation efforts with sustainable development, promote community participation in conservation activities, combat deforestation and habitat loss, and protect endangered species and their habitats.

Environmental Regulatory Bodies

- **Ministry of Environment, Forest and Climate Change (MoEFCC):** The primary government body responsible for the formulation and implementation of policies and programs related to environmental protection, conservation of forests, and addressing climate change.
- **Central Pollution Control Board (CPCB):** A statutory organisation under the MoEFCC tasked with monitoring and controlling pollution across the country, including air, water, and noise pollution.
- **State Pollution Control Boards (SPCBs):** Each state and union territory has its own pollution control board responsible for implementing environmental laws, issuing permits, conducting inspections, and enforcing pollution control measures within their jurisdiction.
- **National Green Tribunal (NGT):** A specialised environmental court established under the National Green Tribunal Act, 2010, to handle cases related to environmental protection and conservation, and to provide effective and expeditious disposal of such cases.
- **Wildlife Crime Control Bureau (WCCB):** A statutory multi-disciplinary organisation under the Ministry of Environment, Forest and Climate Change, tasked with combating organised wildlife crime across the country.
- **Forest Departments:** These departments, operating at both the central and state levels, are responsible for the management, conservation, and protection of forests and wildlife resources.
- **State Forest Departments:** These departments work at the state level and play a crucial role in implementing forestry-related policies and programs, including afforestation, wildlife conservation, and forest management.

CONSTITUTIONALISATION OF ENVIRONMENT PROBLEMS BY SUPREME COURT

Constitutionalization of environmental issues entails linking them to the infringement of fundamental rights of individuals or communities, or the neglect of governmental responsibility, in order to bring a sense of dignity and significance to environmental concerns.

Article 48(A) and Article 51A(g) aid in constitutionalisation of environmental governance by the Supreme Court.

Landmark Judicial Pronouncements

- **M.C. Mehta v. Union of India (1987):**
  - The Oleum Gas Leak Case: This case expanded the scope of Article 21 of the Indian Constitution, which guarantees the right to life, by including the right to a pollution-free environment.

- The court introduced the principle of **'absolute liability,'** holding industries responsible for any harm caused by hazardous activities, irrespective of their intent or negligence.

- **M.C. Mehta v. Union of India (1997):**
  - Taj Mahal Preservation Case: In this case, the Supreme Court invoked the **"Precautionary Principle"** and **"Polluter Pays Principle"** under the Indian Constitution.
  - The Court ordered the polluting industries to relocate or adopt cleaner technologies operating near the Taj Mahal, which contributed to the monument's degradation due to pollution.
  - This judgement emphasised the need for sustainable development and the protection of cultural heritage.
- **Vellore Citizens Welfare Forum v. Union of India (1996):**
  - This case marked the Supreme Court's recognition of the **"Precautionary Principle"** and the **"Polluter Pays Principle"** as essential components of Indian environmental law.
  - These principles now act as guidelines for authorities to take preventive measures and ensure the polluters bear the cost of pollution remediation.
- **N. Godavarman Thirumulpad v. Union of India (1997):**
  - **Forest Conservation Case:** In this landmark judgement, the Supreme Court expanded the scope of Article 48A and 51A(g) of the Constitution, which pertains to the protection of the environment and wildlife.
  - The Court emphasised that the state and citizens have a duty to preserve the environment and maintain ecological balance.
  - The case resulted in the creation of the Central Empowered Committee (CEC) to monitor forest conservation issues in India.

Therefore, the Supreme Court, acting as the guardian of fundamental rights, has proficiently utilised legal provisions and judicial rulings to safeguard citizens' right to a clean environment as an essential aspect of the Right to a Dignified Life.

SUSTAINABLE DEVELOPMENT GOALS (SDGS) AND INDIA

In 2015, the United Nations created 17 world development goals called the Sustainable Development Goals. They were created with the aim of "peace and prosperity for people and the planet, now and into the future." The Sustainable Development Goals outline an exceptionally ambitious and all-encompassing agenda for worldwide development by 2030. India has implemented numerous proactive measures to integrate the SDGs into the policies, schemes, and programs of the government.

- **Poverty Alleviation:** India's efforts align with SDG 1, which aims to end poverty in all its forms. Programs like the **MGNREGA** and poverty alleviation schemes target income generation and social protection for the poor.
- **Quality Education:** SDG 4 emphasises inclusive and quality education for all. India focuses on improving literacy rates, enhancing access to education, and implementing initiatives like the **Right to Education Act** to achieve this goal.
- **Gender Equality:** India strives to achieve gender equality as per SDG 5, promoting women's empowerment, ensuring equal rights, and combating gender-based discrimination through policies like **Beti Bachao Beti Padhao** and the **Maternity Benefit Act.**

IGNITE YOUR MIND

How can India balance its rapid economic growth with the Sustainable Development Goals (SDGs), particularly in addressing the dual challenges of significantly reducing its carbon footprint while ensuring inclusive economic development and poverty eradication?

- **Clean Water and Sanitation:** SDG 6 aims to ensure access to clean water and sanitation for all. India's initiatives such as the **Swachh Bharat Abhiyan** and **Jal Jeevan Mission** focus on improving water supply and sanitation facilities, especially in rural areas.

India has been ranked 112th among 166 countries for its performance in 2023 towards achieving United Nations-mandated Sustainable Development Goals. The ranking is based on the 'State of India's Environment 2024 report', published by the think tank Centre for Science and Environment (CSE) – the data for which is drawn from the UN-backed Sustainable Development Report 2023. Although India has improved its ranking from the previous year – it was 121st in 2022 – it still trails countries like Bhutan (61st, the best in South Asia), the Maldives (68th), Sri Lanka (83rd), Nepal (99th) and Bangladesh (101st). Pakistan is at 128th while Afghanistan is 158th.

- **Affordable and Clean Energy:** India works towards SDG 7 by promoting renewable energy sources like solar and wind power, enhancing energy efficiency, and expanding access to electricity through initiatives such as the **Ujwal DISCOM Assurance Yojana (UDAY)** and the **National Solar Mission.**
- **Sustainable Cities and Communities:** SDG 11 emphasises making cities inclusive, safe, resilient, and sustainable. India focuses on urban planning, infrastructure

development, and initiatives like the **Smart Cities Mission** to achieve this goal.

- **Climate Action:** India addresses climate change and environmental sustainability in line with SDG 13 by adopting measures such as the **Paris Agreement commitments,** promoting renewable energy adoption, and implementing afforestation and conservation programs.
- **Peace, Justice, and Strong Institutions:** SDG 16 underscores the importance of promoting peaceful and inclusive societies and building effective, accountable, and inclusive institutions. India works on strengthening governance, ensuring access to justice, and combating corruption to achieve this objective.
- **Partnerships for the Goals:** SDG 17 emphasises global cooperation and partnerships to achieve sustainable development. India engages in international collaborations, partnerships with NGOs, civil society, and private sector entities to advance SDG implementation efforts.

Sustainable Development Goals	India's Efforts and Progress	Initiatives
SDG 1: No Poverty "End poverty in all its forms everywhere."	❑ **Women's Participation:** As per the latest available Annual PLFS Reports, During 2022-23, the women participation in the labour force has notably increased to 37.0%. ❑ **Self Help Group (SHG):** In 2021-22, 33.98 lakh Self Help Groups (SHGs) were connected to bank credit. ❑ India has embraced and put into practice the **Sendai Framework for Disaster Risk Reduction.**	❑ **Kudumbashree,** initiated in Kerala in 1998, is a poverty alleviation program and women's self-help group network. It empowers economically disadvantaged women through grassroots organization into neighborhood groups (NHGs), which further form community-level and ward-level associations. Studies, including the NITI Aayog's Multidimensional Poverty Index, underscore Kudumbashree's effectiveness in poverty reduction. Additionally, it offers consultancy services on women's empowerment to 13 other states, sharing valuable knowledge and expertise. ❑ Programs aimed at alleviating poverty, such as the **National Rural Livelihood Mission, and the Deendayal Upadhyay Grameen Kaushalya Yojana, prioritize** activities like employment generation, skill enhancement, microcredit provision, and capacity building to enhance the employability of the underprivileged.
SDG 2: Zero hunger "End hunger, achieve food security and improved nutrition, and promote sustainable agriculture."	❑ To enhance food distribution accessibility and efficiency, several measures have been implemented, including: • Digitization of the ration card database, covering 800 million beneficiaries. • Aadhaar seeding of ration cards for better authentication. • Automation of Fair Price Shops and installation of electronic Point of Sales (PoS) machines to streamline operations. • Under the **National Mission for Sustainable Agriculture (NMSA),** 235.8 million soil health cards have been distributed to improve soil fertility. • 3.9% of the total land area is dedicated to **organic farming.** • **₹84,921 gross value** added in agriculture per worker in 2022-23.	❑ A **Breast Milk Bank** was established in the Aspirational District of Ramanathapuram, Tamil Nadu, aiming to offer breast milk to low birth weight, pre-term, and orphan babies. This initiative contributed to the improvement of breastfeeding rates in the district. In the Aspirational District of Nandurbar, Maharashtra, the Tribal Development Department of the State Government established central kitchens to enhance nutrition. These kitchens provide hot and nutritious meals to children in residential schools, known as Ashram Shalas. Serving 28 ashram schools, these central kitchens have a capacity of up to 12000 students.

Sustainable Development Goals	India's Efforts and Progress	Initiatives
SDG 3: Good health and well-being "Ensure healthy lives and promote well-being for all at all ages."	❑ Under the **Ayushman Bharat Pradhan Mantri Jan Arogya Yojana (PMJAY),** health insurance coverage of **Rs. 5 lakh per year** was provided to 100 million families. Additionally, the plan **aimed to establish 150,000 health and wellness** centers by 2022. ❑ During the period of 2018-2020, the **Maternal Mortality Ratio (MMR)** decreased to 97 from 130 in the years 2014-2016. ❑ Similarly, the **Infant Mortality Rate (IMR)** declined from 37 to 32 between 2015 and 2018. ❑ Moreover, the **Under-5 Mortality Rate** saw a reduction from 43 in 2015 to 32 in 2020. ❑ Pledge to **eradicate Tuberculosis by 2025.** ❑ **Fall in Malaria incidence 0.13 per 1000 cases** in 2022 from 0.92 in 2015.	❑ The Government of Andhra Pradesh is implementing the **YSR Aarogyasri Health Insurance Scheme** to achieve universal health coverage for families below the poverty line (BPL). This scheme has introduced a demand-side mechanism that mobilizes and channels additional public financing into healthcare. It has also established an explicit benefits package, pioneered cashless care, and fostered public-private partnerships.
SDG 4: Quality education "Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all."	❑ **Dropout rates decreased to 2.72%** and 9.74% at the elementary and secondary levels, respectively, in 2018-19. ❑ The expansion of internet access in schools is underway, with over 80% of teachers having received formal training. ❑ The **Gender Parity Index** for higher education improved from 0.92 in 2014-15 to 1 in 2018-19, indicating enhanced access to learning opportunities for women. ❑ Minimum proficiency levels in language and mathematics have been achieved. ❑ **Elementary education up to class 8 is provided free** and made **compulsory.** ❑ The **Gross Enrolment Ratio (GER)** in Higher **Secondary Education stood at 57.6%** in the year 2021-22. ❑ **27.30% Gross Enrolment Ratio (GER) for Tertiary Education** in 2020-21	The **Unnayan Banka Smart Classroom Model,** implemented in the Aspirational District of Banka, Bihar, aims to provide quality education for all by leveraging the latest technologies. In Banka, there was a significant improvement in learning outcomes, rising from 17% to 54%, accompanied by a 90% attendance rate. Encouraged by its success, this model has been effectively replicated in all districts of Bihar and other Aspirational Districts such as Godda (Jharkhand), Ramgarh (Jharkhand), Dhubri (Assam), Namsai (Arunachal Pradesh), and Dhenkanal (Odisha).
SDG 5: Gender equality "Achieve gender equality and empower all women and girls."	❑ Under the **Pradhan Mantri Jan-Dhan Yojana (PMJDY),** a total of more than 500 million bank accounts were opened between 2014 and 2023, with 280 million of these accounts, accounting for 56 percent, being opened by women. The initiative led to a significant increase in women's access to bank accounts, with 77% having access in 2017 compared to 43% in 2014.	**Children First:** The Child Protection Unit in the Aspirational District of Muzzafarpur plays an integral role in advocating for child rights, healthcare, and education. This unit actively engages the community, focusing on promoting gender equality and reducing mortality rates among children and women. These initiatives have garnered significant participation, particularly from girls and women, highlighting their importance and impact.

Sustainable Development Goals	India's Efforts and Progress	Initiatives
	❑ Additionally, 75% of beneficiaries under the **MUDRA (Micro Units Development and Refinance Agency) Yojana,** which provides credit for SMEs (Small and Medium Enterprises), are women. ❑ **14.36% is the women's political participation** in parliament (Lok Sabha) in 2019' (8.19 in 2014). ❑ Moreover, women now constitute **35 percent of directors in startups,** reflecting an increasing trend towards gender diversity and inclusion in various sectors of the economy. ❑ The **Sex Ratio at Birth was 907** in 2018-20, compared to 898 in 2014-16. ❑ In 2021-22, **92.7% of exclusive women's Self-Help Groups (SHGs) were linked with banks.**	
SDG 6: Clean water and sanitation "Ensure availability and sustainable management of water and sanitation for all."	❑ **99.25% of rural households now have access to improved sources of drinking water** in 2022-23 from 94.57% in 2015-16 . ❑ Individual household **toilets in rural areas increased to 100%** in 2019 from 38.7 percent in 2014-15. ❑ **100% district achieved Open Defecation Free (ODF) status** in 2019-20. ❑ **97.4% of schools have separate toilets for girls,** resulting in improved enrollment and retention of girls in primary education.	❑ **The 'TAANKA' Technique for Water Conservation:** In Uttar Pradesh's Sonbhadra district, the traditional 'taanka' technique has been adopted as a method for rainwater harvesting and water conservation. This technique, widely used in the water-scarce state of Rajasthan, marks a significant step in the district's efforts to address water scarcity. ❑ **Subsurface Dams:** In the Aspirational District of Y.S.R Kadapa, Andhra Pradesh, subsurface dams have been constructed along the river Papagni to tackle water shortages. These dams enhance water percolation from surface runoff into the sand layers and adjacent alluvial areas, leading to an increased water table. This initiative has resulted in improved water availability for sustainable irrigation practices.
SDG 7: Affordable and clean energy "Ensure access to affordable, reliable, sustainable and modern energy for all."	❑ In 2022-23, the proportion of households with access to **clean cooking fuel rose to 99.8%** from 62.83% in 2015-16. ❑ 100% households were electrified in 2021-22. ❑ India ranks as the third most appealing destination for investment in renewable energy.	❑ The Government of Gujarat introduced the **Suryashakti Kisan Yojana (SKY),** a solar power initiative aimed at farmers. This scheme empowers farmers to produce electricity for their own use and to sell any excess power to the grid, thereby increasing their income.

Sustainable Development Goals	India's Efforts and Progress	Initiatives
	❑ The country has set a target of achieving **450 GW of renewable energy capacity** by 2030. ❑ **Renewables contributed to 22.5% of total installed electricity** generation in 2022-23. ❑ Additionally, 75 percent of solar power tariffs have been reduced through the implementation of the plug-and-play model.	
SDG 8: Decent work and economic growth "Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all."	❑ Globally, India boasts the **third-largest entrepreneurship ecosystem** after the US and China. ❑ A total of 34,134 patents were issued in 2022-23, compared to 6,326 in 2015-16. ❑ 26,522 startups were recognized under the **Startup India Scheme** in 2022, up from 428 in 2016. ❑ The **National Strategy for Youth Employment** was operationalized. ❑ **98.8 banking outlets in 2019-20** from 60.9 in 2017-18 per 1 lakh population	❑ The **Atal Incubation Center (AIC),** an initiative under the Atal Innovation Mission of NITI Aayog, is designed to boost the innovation and entrepreneurship landscape in India. For example, the AIC-NIFT TEA (National Institute of Fashion Technology Tirupur Exporters Association) incubation centre focuses specifically on the textiles and apparel sector, aiming to establish an environment conducive to innovation and knowledge-driven entrepreneurship. As India emerges as a hub for startups, AICs nationwide play a crucial role in generating employment opportunities through the growth of these startups, while also nurturing a conducive business and innovation atmosphere.
SDG 9: Industry, Innovation and Infrastructure "Build resilient infrastructure, promote inclusive and sustainable industrialization, and foster innovation."	❑ Investment in the **Bharatmala program** for road infrastructure has more than tripled between 2014-15 and 2018-19. ❑ The **Sagarmala project** has increased the cargo handling capacity of major ports in 2019. ❑ India ranks as the **third-largest domestic market for civil aviation** globally. ❑ India's **industrial corridor** stands as one of the world's largest infrastructure projects. ❑ **50% of the population subscribed to the internet** in 2022-23 increased from 26.98% in 2015-2016.	❑ **Streamlining the Ease of Doing Business in Mumbai and Delhi - Construction Permits:** The Municipal Corporation of Delhi and Greater Mumbai have implemented expedited approval systems for granting building permits. These systems incorporate features like the Common Application Form (CAF), utilization of digital signatures, and online scrutiny of building plans. ❑ According to reports from Doing Business for the years 2018 and 2019, the time required for construction permits decreased significantly. In Mumbai, the processing time reduced from 128.5 to 99 days, while in Delhi, it decreased from 157.5 to 91 days.

Sustainable Development Goals	India's Efforts and Progress	Initiatives
SDG 10: Reduced inequality "Reduce income inequality within and among countries."	❑ Among **MUDRA scheme beneficiaries, 51% of loan accounts** were held by SC, ST, and OBC entrepreneurs, while 68% belonged to women. ❑ **Women held 44.4% of seats in Panchayati Raj Institutions,** and persons from SC/ST communities occupied 28.3% of seats in the State legislative assemblies. ❑ **Women comprised 14.36%** of the members in the Lok Sabha in 2019. ❑ The **budget allocation to the northeastern states was 2.10%** in 2022-23, up from 1.66% in 2015-16. ❑ **6.19% of the budget for 2023-24** was allocated for the welfare of SCs and STs.	❑ The **Sweekruti Scheme,** initiated by the Government of Odisha, aims to ensure equal opportunities and safeguard the rights of the transgender community. It offers scholarships, skill enhancement, and entrepreneurship development programs, along with training and support for essential healthcare. Additionally, it provides group insurance, legal aid, counseling, and guidance services for the community.
SDG 11: Sustainable cities and communities "Make cities and human settlements inclusive, safe, resilient, and sustainable."	❑ The number of completed houses in urban areas surged to 3.2 million in 2019-20. ❑ Projects under the **Smart Cities Mission,** totaling Rs. 2 trillion, have earmarked 100 cities nationwide for concentrated development efforts. ❑ The **Energy Conservation Building Code (ECBC)** is projected to slash energy consumption by 50 percent by 2030. ❑ The **Atal Mission for Rejuvenation and Urban Transformation (AMRUT)** ensures basic civic amenities such as water supply, sewerage, and urban transport are extended to all in 500 cities. ❑ In 2022, **98% of wards achieved 100% door-to-door waste collection** service. ❑ **Waste processing increased to 76%** in 2023, up from 17.97% in 2016. ❑ In 2020, the **injury rate for road accidents was 24.76,** and the death rate was 4.2.	❑ **Bhubaneswar One,** initiated by Bhubaneswar Smart City Limited (BSCL) in Odisha, is an electronic portal that consolidates geographic data from both government and private entities to offer convenient and seamless access to information for residents and tourists. ❑ In Panaji, Goa, the **Panaji Smart City Development Limited,** the Smart City Special Purpose Vehicle (SPV) of the Goa government, has created a "Boardwalk" amidst mangroves. This development aims to establish ecologically sustainable green areas.
SDG 12: Responsible consumption and production "Ensure sustainable consumption and production patterns."	❑ India holds the **9th position globally in terms of land dedicated to organic agriculture.** Additionally, it ranks 6th worldwide in the extent of organic wild collection areas. ❑ In **75% of municipal wards, waste segregation** at the source has reached 100%. ❑ To promote the use of organic manures, 235.8 million soil health cards have been distributed across the country.	❑ In Alappuzha, Kerala, the urban local body collaborates with the district **Suchitwa Mission to execute the "Nirmala Bhavanam Nirmala Nagaram"** (Clean Homes, Clean City) project. This initiative prioritises decentralised solid waste management by promoting segregation and treatment of wet waste at its origin. Acknowledged by the UNEP, the project has earned global acclaim,

Sustainable Development Goals	India's Efforts and Progress	Initiatives
	❑ **Per capita food availability was 187.8 kg** in 2021-22, compared to 176 kg in 2018-19. ❑ The **hazardous waste generated per capita was 6.81 MT** in 2020-21, down from 7.19 MT in 2017-18. ❑ **India has ratified environmental agreements to effectively manage hazardous wastes and other chemicals.**	positioning the city among the world's top five model cities for sustainable solid waste management.
SDG 13: Climate action "Take urgent action to combat climate change and its impacts by regulating emissions and promoting developments in renewable energy."	❑ On a global scale, India ranks 4th in renewable power generation, **4th in wind power, and 5th in solar power.** ❑ Solar power installed capacity has increased from 2820 MW in March 2014 to 72002 MW in Oct 2023, i.e. an increase of around 25.54 times. ❑ There has been a **significant reduction in the emission intensity of GDP by 21%.** ❑ In 2022-23, **renewable sources contributed to 22.5%** of the total electricity generation. ❑ Furthermore, India has successfully installed 12.8 million smart LED street lights. ❑ In 2018, 10,738.97 per lakh population were affected by disasters, compared to 14,743.14 in 2015. ❑ There was a **24% reduction in the emission intensity of GDP** from the 2005 level.	❑ The **India Cooling Action Plan (ICAP),** introduced in March, marks India as one of the pioneering nations to devise a holistic strategy aimed at addressing cooling needs across various sectors. It delineates measures to mitigate cooling demand. The primary objective is to ensure sustainable cooling and thermal comfort for all, concurrently fostering environmental and socio-economic advantages for society.
SDG 14: Life below water "Conserve and sustainably use the oceans, seas and marine resources for sustainable development."	❑ India ranks as the **16th largest maritime nation globally** and stands as the **third-largest fish producer** in the world. ❑ **India in Compliance of International Laws Ensuring Conservation and Sustainable use of Oceans, Seas and Marine Resources.** ❑ In 2019, the **mangrove coverage area witnessed growth.** ❑ The **maximum sustainable yield in fishing escalated by 43%**, surging from 3.7 million tonnes per year in 2015-17 to 5.3 million tonnes per year in 2017-18. ❑ The budget estimate for the **Ocean Services, Modelling, Application, Resources And Technology (O-SMART)** Scheme was Rs 498.95 crore in 2022-23.	❑ The **Sindhudurg Mainstreaming Project** in Maharashtra has undertaken significant investments in a comprehensive strategy to enhance fisheries sustainability, safeguard the access rights of artisanal fishers, combat illegal fishing practices, and forge partnerships within the sector to enrich and diversify the livelihoods of coastal communities. ❑ Initiatives promoting **eco-labeling** are being advocated for the sustainable management of marine fisheries. One such initiative in Kerala aims to leverage consumer influence to drive positive transformations in the fisheries sector.

Sustainable Development Goals	India's Efforts and Progress	Initiatives
SDG 15: Life on land "Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss."	❑ 1.69 million hectares (Mha) of land area have been encompassed by various afforestation initiatives, marking an increase from 1.38 Mha recorded in 2015-16. ❑ Efforts are underway to restore 26 million hectares of degraded and deforested land by 2030, with the objective of achieving land-degradation neutrality. ❑ **21.71% of forest cover of the total geographical area** in 2021 (21.35% in 2015) ❑ **5.28% protected area** as percentage of total geographical area in 2022. ❑ **0.07% of the total government expenditure** on environmental protection in 2021-22. ❑ India has **adopted a legislative, administrative and policy framework** to ensure Fair and Equitable Sharing of Benefits.	❑ **Sustainable Highways:** In pursuit of harmonising highway expansion with environmental preservation, the Green Highways Policy was launched in 2015. This endeavour engages various stakeholders, including local communities and civil society, in the plantation of trees and shrubs alongside India's rapidly expanding highway network. The overarching goal is to convert National Highways into a natural repository for air pollutants and to mitigate soil erosion along the embankment slopes.
SDG 16: Peace, justice and strong institutions "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels."	❑ More than **90% of the population is enrolled in the Aadhaar** unique identity system. ❑ The **overall crime rate per lakh population has decreased,** while the registration of cases has seen a 1.3% increase. ❑ Government online services have expanded, and digital payment transactions surged to 38 billion in 2019-20. ❑ **1.49 judges per lakh population** in 2022. ❑ **2.20 per lakh population intentional homicide** in 2021 (2.63 per lakh in 2015). ❑ **National Human Rights institutions are compliant with international norms** set out in the Paris principles.	❑ Introduced in 2019, the **Police Uncle Tutorial** stands out as an innovative initiative by the Police Department in Simdega, Jharkhand, an Aspirational District. This program specifically addresses the needs of students who have dropped out or struggle academically in Grade X, particularly in areas affected by left-wing extremism. These regions often witness higher susceptibility to crime among children.
SDG 17: Partnership for the goals "Strengthen the means of implementation and revitalize the global partnership for sustainable development."	❑ In the past six years, India has enhanced its tax-to-GDP ratio to bolster domestic resource mobilization. ❑ Moreover, India has provided over **306 Lines of Credit (LoC) to 65 countries** across the globe. ❑ In 2021, **25 states utilized the state monitoring framework,** an increase from 12 in 2019-20. ❑ India's share of **merchandise export accounted for 1.77%** of the total global export in 2021. ❑ **Commercial Service exports comprised 4.4%** of the total global exports in 2022. ❑ **National Statistical Legislation** adheres to compliance with the UN Fundamental Principles of Official Statistics.	❑ **International Solar Alliance (ISA):** Launched by India and France, the ISA aims to promote solar energy deployment globally, particularly in sun-rich countries. It facilitates cooperation among member countries to address common challenges in scaling up solar energy use through technology transfer, capacity-building initiatives, and policy advocacy.

SDG INDIA INDEX

- The SDG India Index monitors the advancement of all States and Union Territories based on crucial national indicators, evaluating their progress regarding the outcomes of interventions and programs implemented by the Government of India.
- The SDG India Index aims to offer a comprehensive perspective on the social, economic, and environmental conditions of the nation along with its Union Territories and States.
- India stands as the pioneering nation in creating a government-led sub-national gauge of SDG progress.
- **It was formulated in partnership with the Ministry of Statistics and Programme Implementation (MoSPI), the United Nations in India, and the Global Green Growth Institute.**
- **Published by:** The publication of the SDG India Index is overseen by **NITI Aayog.**
- Through this Index, the government tracks the advancement of SDGs in India across states and Union Territories.

SDG India Index 2020-2021

The Performance of India in the SDG India Index 2020-2021 is as follows:

India's comprehensive SDG score rose by 6 points, advancing from 60 in 2019 to 66 in 2020-21,

This was attributed to enhancements in delivering amenities such as clean water, sanitation, and accessible and sustainable energy, among other factors.

State-wise performances were as follows:

Kerala led the index, securing a score of 75, **followed closely by Himachal Pradesh and Tamil Nadu,** both scoring 74.

Conversely, Bihar, Jharkhand, and Assam **ranked lowest among the states** in the SDG India index.

Among Union Territories, Chandigarh retained its top position with a score of 79, followed by Delhi at 68.

In terms of progress, Mizoram, Haryana, and Uttarakhand emerged as the **leading gainers** in 2020-21, showcasing significant score improvements compared to 2019

- **Government Schemes in the Direction of SDGs:** In alignment with these goals, various programs are being executed, including:
  - National Health Mission for healthcare services, Ayushman Bharat Pradhan Mantri Jan Arogya Yojana (AB PMJAY) for healthcare coverage.
  - Swachh Bharat Mission for household toilet access.
  - Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGA) for employment.
  - Pradhan Mantri Awaas Yojana (PMAY) for rural and urban housing.
  - Pradhan Mantri Gram Sadak Yojana (PMGSY) for connecting unlinked settlements, Pradhan Mantri Jan Dhan Yojna (PMJDY) for financial services access.
  - National Social Assistance Programme (NSAP) offering social pensions to the elderly, widows, and people with disabilities.

IGNITE YOUR MIND

Considering the diverse socio-economic and environmental landscapes across States and Union Territories in India, how can the SDG India Index be optimised to reflect regional disparities and prioritise interventions?

CHALLENGES IN BALANCING DEVELOPMENT AND ENVIRONMENTAL CONSERVATION

Balancing development and environmental conservation involves navigating the delicate equilibrium between economic progress and preserving natural resources. It presents several challenges, including:

- **Infrastructure Development:** Meeting the growing demands for infrastructure such as roads, dams, and urbanisation often comes at the cost of environmental degradation, including habitat loss, deforestation, and increased pollution. For example, the Char Dham highway in the Himalayas.
- **Natural Resource Extraction:** Exploiting natural resources for economic growth, such as mining and logging, can lead to irreversible damage to ecosystems, loss of biodiversity, and depletion of vital resources like water and minerals. For example, Goa mining industry has faced various legal and environmental challenges due to concerns over sustainability and the adverse impacts on local communities and ecosystems.
- **Industrial Growth:** Industrial expansion contributes to air and water pollution, soil contamination, and greenhouse gas emissions, posing significant environmental risks and health hazards to communities living nearby. For example, Bhopal Gas Tragedy.
- **Land Use Changes:** Converting natural habitats for agricultural, urban, or industrial purposes alters ecosystems, disrupts ecological balances, and reduces biodiversity, threatening the survival of numerous species.

- **Climate Change Mitigation:** Transitioning to a low-carbon economy and reducing greenhouse gas emissions is crucial for mitigating climate change. However, achieving this without compromising economic growth and development poses a significant challenge.
- **Population Pressure:** Rapid population growth exacerbates environmental pressures by increasing demand for food, water, energy, and land, leading to overexploitation of natural resources and environmental degradation.
- **Policy and Regulatory Challenges:** Inadequate enforcement of environmental regulations, weak governance structures, and corruption undermine conservation efforts, allowing unsustainable practices to persist.
- **Socioeconomic Inequities:** Development projects often disproportionately impact marginalised communities, leading to social conflicts, displacement, and loss of livelihoods, exacerbating poverty and inequality.

Addressing these challenges requires adopting sustainable development approaches that integrate environmental, social, and economic considerations. This entails promoting green technologies, investing in renewable energy, enhancing environmental regulations, fostering community participation, and promoting conservation practices that prioritise long-term environmental sustainability alongside economic growth.

ELEMENTS OF A BALANCED APPROACH

- **Sustainable Infrastructure Development:**
  - **Invest in Renewables:** Prioritise solar, wind, and other renewable energy sources for power generation and infrastructure projects.
  - **Green Infrastructure:** Promote energy-efficient buildings, sustainable transportation systems (e.g., public transport, electric vehicles), and natural infrastructure solutions like green spaces and wetlands.
  - **Rigorous EIAs:** Conduct comprehensive and independent Environmental Impact Assessments (EIAs) involving diverse experts, public participation, and robust mitigation and monitoring plans.
  - **Community Engagement:** Include local communities in planning and decision-making to ensure projects are socially and environmentally responsible.
- **Responsible Resource Extraction:**
  - **Promote Resource Efficiency:** Develop and adopt technologies that minimise resource consumption and waste generation (e.g., circular economy principles).
  - **Stricter Regulations and Enforcement:** Implement and enforce robust environmental regulations, holding companies accountable for damage.
  - **Invest in Alternatives:** Promote renewable energy sources and sustainable resource management practices to reduce dependence on traditional extraction.
  - **Community Benefits:** Ensure communities impacted by resource extraction share in the benefits through transparent agreements and development initiatives.
- **Clean Industrial Growth:**
  - **Green Technologies and Circular Economy:** Invest in research and development of clean technologies, promote circular economy principles to minimise waste, and incentivize sustainable production practices.
  - **Stricter Pollution Control:** Strengthen emission standards, enforce regulations, and promote pollution prevention and cleaner production methodologies.
  - **Community Engagement and Transparency:** Inform and involve communities about potential environmental impacts, ensure access to information, and address their concerns.
  - **Corporate Social Responsibility:** Encourage industries to adopt responsible practices and contribute to environmental projects.
- **Sustainable Land Use Management:**
  - **Conservation and Restoration:** Protect key ecosystems (e.g., forests, wetlands), restore degraded lands, and promote sustainable land management practices like agroforestry and regenerative agriculture.
  - **Urban Planning:** Invest in green spaces, promote integrated urban planning, and encourage compact, walkable cities with efficient public transportation systems.
  - **Empowering Communities:** Support local communities in managing their land resources sustainably and create economic opportunities linked to conservation and restoration.
  - **Minimise Land Acquisition:** Explore alternative project designs and minimise land acquisition, with fair compensation and rehabilitation for displaced communities.
- **Climate Action and Economic Transformation:**
  - **Carbon Pricing and Emission Reduction Targets:** Implement carbon pricing mechanisms and set ambitious emission reduction targets to incentivize decarbonization investments.
  - **Investing in Renewables and Clean Technologies:** Accelerate the transition to renewable energy sources and support the development and deployment of clean technologies across all sectors.

- **Supporting Vulnerable Communities:** Provide assistance and invest in adaptation strategies to help communities cope with the impacts of climate change, ensuring a just transition.
- **Climate-Resilient Development:** Integrate climate change considerations into all development plans and projects to ensure they are resilient to future impacts.

❑ **Effective Governance and Equity:**

- **Strengthening Institutions:** Improve governance structures, ensure transparency and accountability, and combat corruption to enforce environmental regulations effectively.
- **Empowering and Including Marginalised Communities:** Ensure their voices are heard in decision-making, address social impacts of development projects, and create equitable access to environmental benefits.
- **Investing in Education and Awareness:** Raise awareness about environmental issues, promote sustainable consumption and lifestyle changes, and encourage responsible resource use.
- **Decentralisation and Local Governance:** Empower local governments and communities to manage their resources sustainably and participate in decision-making processes.

By adopting a balanced approach that combines strong regulations, community engagement, and continuous improvement, we can chart a path towards a future where economic development and environmental conservation co-exist and thrive.

CONCLUSION

Effective governance is essential for driving sustainable development and achieving the Sustainable Development Goals (SDGs). Transparent, accountable, and participatory governance frameworks enable countries to address complex challenges, foster inclusive growth, and ensure citizen well-being. By promoting partnerships among governments, civil society, private sector, and international organisations, nations can leverage collective expertise to tackle issues like poverty, inequality, climate change, and social injustice.

Economic Governance

11

INTRODUCTION

Economic governance, a fundamental pillar of good governance, encompasses the rules, institutions, and processes guiding a nation's economic activities. It aims to achieve macroeconomic stability, foster sustainable growth, ensure equitable distribution of resources, and ultimately improve the well-being of citizens.

HISTORICAL OVERVIEW

The roots of economic governance in India can be traced back to the post-independence era, when the country adopted a mixed economy model. Over the years, economic reforms in the 1990s ushered in a new era of liberalisation, privatisation, and globalisation (LPG), fundamentally altering the landscape of economic governance.

CORNERSTONES OF ECONOMIC GOVERNANCE

- **Market Efficiency:**
  - **Fostering Competition:** Creating an environment that encourages fair competition is crucial for market efficiency. For example, the Competition Commission of India (CCI) ensures fair competition, by preventing monopolistic practices and promoting innovation.
  - **Entrepreneurship Support:** Initiatives like 'Startup India' promote entrepreneurship by providing a conducive ecosystem for new businesses, fostering innovation and economic growth.
- **Macroeconomic Stability:**
  - **Inflation Control:** The Reserve Bank of India (RBI) implements monetary policies to control inflation, maintaining price stability in the economy.
  - **Fiscal Discipline:** Policies aimed at controlling fiscal deficit, such as the Fiscal Responsibility and Budget Management (FRBM) Act, contribute to macroeconomic stability.
- **Equitable Distribution:**
  - **Social Welfare Programs:** Schemes like the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) aim to address income inequalities by providing employment opportunities to the rural population.
  - **Financial Inclusion:** Initiatives like the Jan Dhan Yojana ensure that even the economically marginalised have access to banking services, promoting financial inclusion.
- **Regulatory Framework:**
  - **Consumer Protection:** The Consumer Protection Act 2019 ensures the rights of consumers are protected against unfair trade practices and ensures the availability of quality goods and services.
  - **Securities Regulation:** SEBI regulates the securities market, safeguarding the interests of investors and ensuring the integrity of the financial markets.
- **Transparency and Accountability:**
  - **Right to Information (RTI):** The RTI Act 2005 empowers citizens to seek information from public authorities, enhancing transparency and holding institutions accountable.
  - **Corporate Governance:** The Companies Act mandates transparency in corporate governance, requiring companies to disclose financial information and adhere to ethical business practices.

FISCAL POLICY AND BUDGETARY PROCESS AS PILLARS OF ECONOMIC GOVERNANCE

Fiscal policy and the budgetary process are two powerful tools at the disposal of governments to steer the course of economic activity and achieve macroeconomic stability, sustainable growth, and equitable development. These critical elements form the backbone of **economic governance**, ensuring the responsible and efficient allocation of public resources for the benefit of all citizens.

Fiscal Policy

- **Definition:** The government's use of taxation and spending to influence economic activity and achieve specific economic objectives.
- **Instruments:**
  - **Taxation:** Raising revenue to fund government programs and influence economic behaviour through incentives and disincentives (e.g., lowering taxes on research & development to encourage innovation).
  - **Government Spending:** Allocating resources to various sectors and programs based on national priorities and resource availability (e.g., investing in

infrastructure development to stimulate economic growth).
    - **Public Debt:** Borrowing funds to bridge the gap between revenue and expenditure but managing debt levels within sustainable limits.
- **Examples of How Fiscal Policy Impacts Economic Governance:**
    - **Stimulating Economic Growth During a Recession:** Reducing taxes or increasing government spending can inject more money into the economy, boosting demand and production.
    - **Controlling Inflation:** Raising interest rates or reducing government spending can cool down an overheated economy and curb inflation.
    - **Addressing Income Inequality:** Progressive taxation systems and targeted social programs can help redistribute wealth and reduce income disparities.

Budgetary Process

- **Definition:** The systematic steps through which government budgets are formulated, approved, implemented, and monitored.
- **Stages:**
    - **Preparation:** Ministries and departments propose their budget needs.
    - **Scrutiny and Review:** The finance ministry analyses proposals and negotiates with departments.
    - **Cabinet and Parliamentary Approval:** The budget undergoes scrutiny and approval by relevant bodies.
    - **Implementation:** Ministries and departments execute approved allocations.
    - **Monitoring and Evaluation:** Performance is tracked, and adjustments are made if necessary.
- **Examples of How the Budgetary Process Influences Economic Governance:**
    - **Transparency and Accountability:** Clear and open budgetary processes help build public trust and ensure responsible use of public resources.
    - **Prioritisation and Resource Allocation:** The budget reflects national priorities and ensures resources are directed towards critical areas.
    - **Performance Measurement and Efficiency:** Monitoring budget execution helps identify areas for improvement and enhance efficiency in public spending.

Challenges and Considerations

- **Balancing Competing Priorities:** Governments must navigate competing demands for resources, while balancing economic growth, social welfare, and environmental sustainability.
- **Managing Fiscal Deficits and Debt:** Excessive borrowing can pose risks to long-term economic stability, requiring careful management of fiscal deficits and debt levels.
- **Political Pressures and Short-Termism:** Politically motivated decisions may clash with long-term economic objectives, demanding a balance between responsiveness and responsible governance.
- **Inefficiencies and Corruption:** Weak public financial management systems can lead to wasteful spending and hinder effective resource allocation.

Way Forward

- **Embracing Technological Advancements:**
    - **Data-Driven Policymaking:** Utilising big data analytics and artificial intelligence to gain deeper insights into economic trends, inform policy decisions, and optimise resource allocation.
    - **Digitalization of the Budget Process:** Leveraging technologies like blockchain and cloud computing to enhance transparency, streamline procedures, and improve public participation in budget discussions.
- **Enhancing Transparency and Accountability:**
    - **Open-Book Budgeting:** Sharing detailed budget information with the public in a user-friendly format to foster public trust and engagement.
    - **Performance-Based Budgeting:** Linking budget allocations to clearly defined outcomes and conducting regular evaluations to improve efficiency and effectiveness.
    - **Strengthening Independent Institutions:** Empowering oversight bodies like the Comptroller and Auditor General to ensure proper utilisation of public funds and deter corruption.
- **Promoting Fiscal Sustainability and Equity:**
    - **Managing Debt Levels:** Implementing prudent fiscal policies to avoid excessive debt accumulation and ensure long-term fiscal sustainability.
    - **Progressive Taxation:** Designing tax systems that promote equity and redistribute wealth effectively, addressing income inequalities and reducing poverty.
    - **Social Safety Nets:** Investing in targeted social programs to protect vulnerable populations during economic downturns and promote inclusive growth.
- **Adapting to a Globalised World:**
    - **International Cooperation:** Coordinating fiscal policies with other countries to address global challenges like climate change and financial instability.
    - **Trade Agreements:** Designing trade agreements that promote economic growth while ensuring fairness and protecting domestic industries and workers.
    - **Managing Global Risks:** Building resilience against external shocks like pandemics and financial crises through sound fiscal policies and risk management frameworks.

REGULATORY FRAMEWORK FOR ECONOMIC ACTIVITIES

In the intricate dance of economic governance, **regulatory frameworks** play a vital role in ensuring sound economic activity and protecting its participants. Among these frameworks, the roles of the **Reserve Bank of India (RBI), the Securities and Exchange Board of India (SEBI), and other financial market regulations** stand out as crucial for maintaining trust, stability, and growth within the Indian economy.

Reserve Bank of India (RBI)

- **Monetary Policy:** Regulating money supply, credit, and interest rates to manage inflation and promote economic growth.
- **Financial Stability:** Maintaining the soundness and resilience of the financial system through risk management and supervision.
- **Regulation:** Overseeing banks, NBFCs, payment systems, and foreign exchange markets to ensure financial stability and market integrity.
- **Impact on Economic Governance:**
  - **Inflation Management:** India's average inflation since 2015 is 5.6%, within the RBI's target range of 4 +/- 2%. This stability fosters investment and economic growth.
  - **Financial Inclusion:** Jan Dhan Yojana, launched in 2014, has brought 50.09 crore as on 16-08-2023 Indians under formal banking, promoting financial access and economic participation.
  - **Payment System Development:** UPI transactions reached 8.03 billion in January 2023, showcasing efficient and inclusive digital payments infrastructure.
- **Examples:**
  - RBI's interest rate adjustments during the 2020 recession helped mitigate its impact on the Indian economy.
  - RBI's regulations on NBFCs have minimised defaults and ensured stability in the shadow banking system.
  - Regulatory sandboxes allow fintech innovations to be tested in a controlled environment, fostering financial inclusion and competition.
- **Challenges:**
  - Balancing inflation control with growth objectives.
  - Managing systemic risks arising from interconnected financial markets.
  - Keeping pace with rapid technological advancements in the financial sector.

Securities and Exchange Board of India (SEBI)

- Regulating capital markets, including stock exchanges, listed companies, mutual funds, and investment advisors.
- Protecting investor interests through fair disclosure norms, insider trading prevention, and grievance redressal mechanisms.
- Facilitating capital mobilisation for businesses through efficient and transparent capital markets.
- **Impact on Economic Governance:**
  - **Market Capitalization:** India's stock market capitalization reached USD $4 trillion in January 2024, indicating investor confidence and capital availability for businesses.
  - **Mutual Fund Investor Growth:** Mutual fund industry AUM reached ₹52.74 trillion in January 31, 2024 showcasing increased access to diversified investments for retail investors.
  - **Corporate Governance:** SEBI's regulations have improved corporate governance practices in listed companies, enhancing investor trust and transparency.
- **Examples:**
  - SEBI's investigations into insider trading have deterred market manipulation and protected investor interests.
  - Investor awareness campaigns have increased financial literacy and participation in capital markets.
  - Listing regulations like mandatory social responsibility disclosures promotes responsible corporate behaviour.
- **Challenges:**
  - Addressing emerging challenges like algorithmic trading and high-frequency trading.
  - Combating financial fraud and protecting investors from Ponzi schemes and other scams.
  - Ensuring timely redressal of investor grievances and efficient dispute resolution mechanisms.

Other Financial Market Regulations

- **Examples:**
  - **Insurance Regulatory and Development Authority (IRDAI):** Ensures fair insurance practices, protects policyholder interests, and promotes insurance penetration in India.
  - **Pension Fund Regulatory and Development Authority (PFRDA):** Regulates pension funds, promotes retirement savings, and safeguards the interests of pension plan subscribers.
  - **Foreign Exchange Management Act (FEMA):** Governs foreign exchange transactions to maintain balance of payments stability and promote orderly foreign exchange markets.
- **Impact on economic governance:**
  - Insurance penetration in India grew from **3.7% in 2014 to 4.2% in 2022,** indicating increased access to financial protection.

- Pension Fund Assets under Management in India reached **USD 582 billion in December 2023,** providing long-term capital for infrastructure development.
- FEMA regulations maintain India's forex reserves at comfortable levels, ensuring exchange rate stability and attracting foreign investment.

❑ **Challenges:**
- Coordinating regulations across different financial market segments for a holistic approach.
- Adapting regulations to evolving global financial landscapes and international standards.
- Balancing financial openness with prudential safeguards to maintain financial stability.

Way Forward

❑ **Embracing the Technological Revolution:**
- **Regulating Emerging Technologies:** Develop frameworks for areas like blockchain, artificial intelligence, and fintech, balancing innovation with risk mitigation and consumer protection.
- **Regulatory Sandboxes:** Implement testing environments for innovative financial products and services, fostering responsible experimentation and promoting financial inclusion.

❑ **Enhancing Regulatory Efficiency and Effectiveness:**
- **Risk-Based Supervision:** Tailor regulatory intensity to the risk profiles of institutions and activities, optimising resource allocation and minimising burden on compliant entities.
- **Regulatory Impact Assessments:** Evaluate the potential impacts of new regulations on different stakeholders before implementation, ensuring informed decision-making.
- **Harmonisation and Coordination:** Collaborate with international regulatory bodies to achieve consistency and avoid regulatory arbitrage, especially in a globalised financial landscape.

❑ **Addressing Systemic Risks and Global Challenges:**
- **Cybersecurity:** Strengthen regulations and cybersecurity infrastructure to protect financial systems from cyberattacks and ensure financial stability.
- **Climate Change:** Integrate climate risks into financial assessments and regulatory frameworks, encouraging sustainable practices and green investments.
- **Cross-border Financial Activities:** Develop coordinated oversight mechanisms for multinational financial institutions and prevent regulatory gaps that can create systemic risks.

❑ **Promoting Financial Inclusion and Social Impact:**
- **Financial Inclusion Regulations:** Design regulations that facilitate access to financial services for marginalised populations, promoting inclusive economic growth.
- **Impact Investing:** Develop frameworks for and incentivize impact investing that directs capital towards socially and environmentally responsible ventures.
- **Financial Literacy Initiatives:** Educate citizens about financial products and services, empowering them to make informed financial decisions and participate in the formal financial system.

IGNITE YOUR MIND

Considering the role of regulatory bodies like IRDAI, PFRDA, and the implementation of FEMA in shaping India's financial landscape, alongside the challenges and forward-looking strategies mentioned, how do these regulatory frameworks and initiatives contribute to the balance between evolving global financial dynamics and technological advancements?

CONCLUSION

Effective economic governance, built on strong institutions, sound policies, and robust regulatory frameworks, is the cornerstone of a nation's prosperity and well-being. By prioritising stability, growth, equity, and sustainability, along with embracing innovation and adapting to dynamic challenges, governments can empower citizens, foster responsible economic activity, and pave the way for a brighter future for all.

Corruption and Ethical Governance: Reforming Governance for the 21st Century

12

INTRODUCTION

Corruption and ethical governance are persistent challenges in many societies around the world. Corruption, broadly defined as the abuse of entrusted power for private gain, undermines the rule of law, distorts economic development, and erodes public trust in institutions. Ethical governance, on the other hand, involves the implementation of transparent, accountable, and fair practices in both the public and private sectors. Efforts to combat corruption and promote ethical governance are crucial for upholding the rule of law, protecting human rights, and fostering inclusive development. These endeavours require comprehensive strategies, including legal reforms, transparency measures, and ethical leadership, to create resilient institutions and sustainable societies.

CORRUPTION

According to Transparency International **"Corruption is the abuse of entrusted power for private gain.** It is also described as "the offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence improperly the action of another party."

The World Bank defines corruption as "the abuse of public office for private gain."

It can manifest in many forms, including bribery, nepotism, cronyism, patronage, and embezzlement.

Corruption in India

"India was ranked **93 out of 180 countries** on the Corruption Perception Index, 2023 released by Transparency International. The overall score for India in **2023 was 39, a slight decrease from 40 in 2022.**

CORRUPTION PERCEPTION INDEX 2023					
Top rankers			India and its neighbouring countries		
Country	Rank 2023 (Score)	Rank 2022 (Score)	Country	Rank 2023 (Score)	Rank 2022 (Score)
Denmark	1 (90)	1(90)	India	93 (39)	85 (40)
Finland	2 (87)	2 (87)	China	76 (42)	65 (45)
New Zealand	3 (85)	2 (87)	Pakistan	133 (29)	140 (27)

According to the NCRB Report,2022 under the Prevention of Corruption Act,1988 the State Anti-Corruption Bureaus (ACBs) recorded 4,139 cases in 2022 compared to 3,745 cases in 2021, indicating a 10.5% rise.

Causes

Psycho-Social

- **Individual Greed and Moral Decline:** Selfish desires for wealth and power, coupled with weakened ethical values, can tempt individuals towards corrupt practices.
- **Social Acceptance and Lack of Stigma:** Tolerating or even justifying corruption normalises the behaviour, reducing social pressure against it.
- **Low Civic Engagement and Apathy:** Public indifference towards reporting or protesting corrupt practices creates an environment where perpetrators feel less accountable.
- **Lack of Role Models and Ethical Education:** Limited exposure to ethical leaders and inadequate emphasis on ethical values in education can create a breeding ground for opportunistic behaviour.

Economic

- **Scarcity of Resources and Poverty:** In situations of limited resources and economic hardship, individuals become more susceptible to bribery and other forms of corruption to fulfill basic needs or gain economic advantage.
- **Unregulated Sectors and Black Money:** Sectors with weak regulations and rampant black money circulation offer fertile ground for corrupt activities.
- **Inefficient Tax System and Loopholes:** Complex tax structures and loopholes create opportunities for tax evasion and bribery to avoid legal obligations.
- **Informal Economy and Untaxed Cash Transactions:** The large informal sector with significant cash transactions creates challenges in tracking income and increases the risk of corruption.

Legal

- **Outdated Laws and Loopholes:** Ambiguous or outdated laws with loopholes can be exploited to manipulate the system and engage in corrupt practices.

CASE PILE-UPS		
Top 5 ministries with highest pendency of cases as of 2017		
Ministry	Total Cases	Total Contempt cases
Railways	67,332	2,421
Finance	15,616	53

Communications	12,621	214
Home Affairs	11,600	68
Defence	3,433	0

- **Ineffective Law Enforcement and Weak Judiciary:** Inadequate enforcement of existing laws and a sluggish judiciary create a perception of impunity, emboldening perpetrators.
- **Complex Procedural Delays and Inefficiency:** Lengthy and cumbersome legal procedures can lead to frustration and encourage resorting to bribes to expedite matters.
- **Inadequate Whistleblower Protection and Fear of Retaliation:** Lack of robust protection mechanisms discourages individuals from reporting corruption, fearing repercussions, **creating a chilling effect that silences potential whistleblowers and allows corruption to flourish.**

Administrative

- **Bureaucratic Red Tape and Overregulation:** Excessive paperwork, complex approval processes, and discretionary powers vested in officials create opportunities for rent-seeking and manipulation.
- **Lack of Transparency and Accountability:** Opaque decision-making processes and limited public access to information make it difficult to track misuse of power and resources.
- **Inadequate Whistleblower Protection and Fear of Retaliation:** Lack of robust protection mechanisms discourages individuals from reporting corruption, fearing repercussions.
- **Understaffed and Under-equipped Departments:** Limited personnel and resources within government departments can hinder effective oversight and enforcement, creating vulnerability to corrupt practices.

Political

- **Political Patronage and Nepotism:** Preferential treatment based on political affiliations creates an environment where loyalty outweighs merit and ethical considerations.
- **Undue Influence of Corporate Funding:** Corporate donations and lobbying activities can influence policy decisions and create potential conflicts of interest.
- **Weak Opposition and Accountability Mechanisms:** A weak opposition and ineffective legislative oversight mechanisms limit checks and balances on the ruling party, potentially leading to power misuse.
- **Erosion of Democratic Values and Institutions:** The weakening of independent institutions like the media and judiciary can create an environment conducive to corruption.

International Anti-Corruption Day

Every December 9th, the world unites under a common banner: **International Anti-Corruption Day (IACD)**. This isn't just another awareness occasion; it's a rallying cry against a pervasive threat – corruption – that casts a long shadow over lives and societies.

Born from a landmark UN convention, IACD stands as a day to **shine a light on the darkness of corruption**. It aims to pierce through the veil of secrecy, exposing the social, economic, and political rot that corrodes the very fabric of communities. But awareness alone isn't enough.

IACD is a call to action, a global hand reaching out to individuals, organisations, and governments, urging them to **join forces against this common enemy**. It's a day to pledge allegiance to transparency, accountability, and integrity– fundamental values that pave the way for a brighter future.

Impact Of Corruption

Social Impact

- **Widening Inequality:** Corruption diverts resources away from essential services like healthcare and education, disproportionately impacting marginalised communities, perpetuating poverty, and widening the inequality gap. This creates social unrest and breeds resentment towards the privileged, further fragmenting society.
- **Erosion of Trust and Social Cohesion:** When individuals witness or experience corrupt practices, it breeds distrust towards institutions and fellow citizens, leading to social fragmentation and cynicism. This hinders collective action and social cooperation, which are for development.
- **Compromised Quality of Life:** Corruption in essential services like water, sanitation, and food safety directly impacts citizens' health and well-being, hindering human development and creating vulnerabilities.
- **Weakened Education System:** Bribery and nepotism in education recruitment and admission processes compromise the quality of education, depriving deserving students of opportunities and perpetuating social inequalities.

Economic Impact

- **Hinders Foreign Investment and Growth:** Corruption creates an unpredictable and opaque business environment, deterring foreign investors and stifling economic growth. This leads to unemployment and stagnant wages, further impacting citizens' lives.
- **Misallocation of Resources and Inefficiency:** Corrupt practices divert resources away from productive sectors towards rent-seeking activities, leading to inefficient resource allocation and hampering economic

development. This hinders infrastructure development and essential services, further impacting overall economic growth.

- **Undermines Business Confidence and Innovation:** Rampant corruption discourages honest businesses, stifles innovation, and creates an uneven playing field, hindering economic dynamism. This discourages entrepreneurship and limits the creation of new jobs and economic opportunities.
- **Increases the Cost of Doing Business:** Bribery and unofficial fees become additional costs for businesses, reducing their profitability and competitiveness. This ultimately increases the cost of goods and services for consumers, impacting their purchasing power and standard of living.

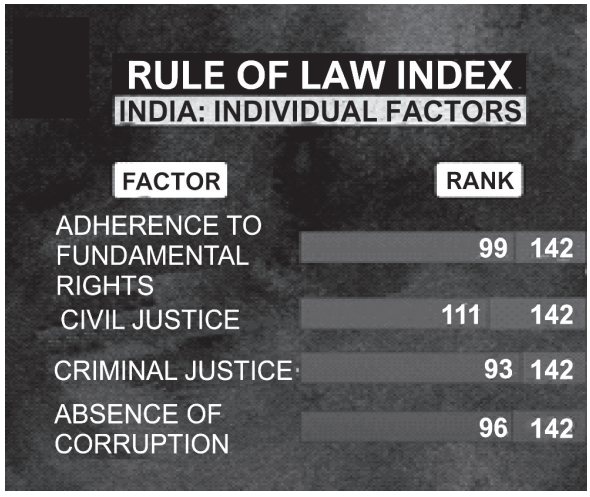


Fig 12.1: Rule of Law Index

Political Impact

- **Loss of Public Trust and Legitimacy:** When citizens perceive widespread corruption, it erodes their trust in government institutions and democratic processes, leading to disillusionment and apathy. This creates fertile ground for populism and extremism.
- **Erosion of Rule of Law:** When laws are selectively enforced or ignored due to corruption, it weakens the rule of law and creates a sense of injustice. This discourages citizens from following the law and undermines the entire legal system.

Security, Environment and Global Impact

- **Undermines National Security:** Corruption in defence procurement and border management can weaken national security, making the country vulnerable to external threats. This leads to increased defence spending and diverts resources away from other crucial areas.
- **Environmental Degradation:** Illegal logging and mining destroy ecosystems and contribute to climate change.
- **Damages International Reputation and Foreign Relations:** Rampant corruption can tarnish India's international image and hinder its ability to forge strong diplomatic and economic partnerships.

IGNITE YOUR MIND

How does corruption distort economic incentives and hinder sustainable development, disproportionately affecting the most vulnerable in society? What mechanisms can effectively dismantle the entrenched networks of corruption that undermine public trust and governance?

Legal and Institutional Framework to Tackle Corruption in India

In India, addressing corruption necessitates a strong legal and institutional framework designed to foster transparency, accountability, and integrity across all sectors of society. Supported by an extensive network of laws, regulatory bodies, and anti-corruption agencies, India is committed to tackling the challenge of corruption across different levels of governance.

Legal Framework

- **Prevention of Corruption Act, 1988 (PC Act):** Criminalizes bribery, illegal gratification, and other corrupt practices by public servants. Includes provisions for confiscation of ill-gotten wealth and preventive detention.
- **Criminal Law (Amendment) Act, 2018:** Enhanced penalties for bribery and made bribe-giving a criminal offence. Introduced stricter punishment for public servants and a mandatory minimum sentence for certain offences.
- **Prevention of Money Laundering Act, 2002 (PMLA):** Combats money laundering activities used to hide the proceeds of corruption. Enables the attachment and confiscation of laundered money.
- **Benami Transactions (Prohibition) Amendment Act, 2016:** Aims to curb the use of benami transactions (holding property in the name of someone else) for hiding ill-gotten wealth acquired through corruption.
- **Whistleblower Protection Act, 2014 (WPA):** Provides protection to individuals who report corruption from retaliation and harassment. Creates designated authorities to receive complaints and provide protection measures.
- **Foreign Exchange Management Act(FEMA) 1999:** Regulates foreign exchange transactions and prevents the illegal movement of funds used in corrupt activities. Enables the investigation and prosecution of violations.
- **Public Procurement Regulations:** Such as the General Financial Rules, 2017 (which lay down the fundamental principles and procedures for public procurement by

central government ministries and departments) and State specific public procurement laws (Rajasthan, Karnataka, Tamil Nadu etc.) require transparent and competitive bidding processes for government contracts, reducing opportunities for corrupt practices.

- **Right to Information Act, 2005 (RTI):** Empowers citizens to access information from government departments, promoting transparency and accountability. It helps to expose corrupt practices and hold authorities responsible.
- **National e-Governance Plan:** Promotes use of technology in government services to reduce human intervention and discretion, minimising opportunities for corruption.
- **Citizen-driven Initiatives:** Public awareness campaigns, community monitoring and social activism play a crucial role in creating a culture of intolerance towards corruption and pressuring authorities to take action.

Institutional Mechanism

- **Central Vigilance Commission (CVC):** Investigates complaints of corruption against central government employees. Monitors implementation of preventive vigilance measures in ministries and departments.
- **State Vigilance Commissions (SVCs):** Oversee vigilance activities and investigate corruption complaints in state governments. Effectiveness varies across states.
- **Central Bureau of Investigation (CBI):** Investigates major corruption cases involving central government employees and public undertakings. Has specialised units for specific areas like bank frauds and economic offences.
- **State Anti-Corruption Bureaus (ACBs):** Investigate corruption cases involving state government employees. Functioning and effectiveness vary across states.
- **Lokpal and Lokayuktas:** The Lokpal and Lokayuktas Act 2013 establishes an ombudsman (Lokpal) at the central level and ombudsmen (Lokayuktas) at the state level.
- **Directorate of Enforcement (ED):** Investigates and prosecutes cases of money laundering and foreign exchange violations related to corruption. Has the powers to attach and confiscate assets involved in such activities.
- **Election Commission of India (ECI):** Monitors election funding and investigates complaints of electoral malpractices, which can be linked to corruption.
- **Comptroller and Auditor General of India (CAG):** Audits government accounts and reports on irregularities and misuse of funds, highlighting potential corruption cases.
- **Independent Judiciary:** Plays a vital role in upholding the law, interpreting anti-corruption legislation, and delivering impartial justice in corruption cases.

Global Efforts Against Corruption: A Deeper Look at Key Players

Corruption remains a global scourge, hindering development and eroding public trust. Thankfully, several specialised bodies and conventions work tirelessly to combat it at the international level. Let's delve deeper into their roles and contributions:

- **United Nations Office on Drugs and Crime (UNODC):**
  - **Championing UNCAC:** As the lead UN agency on corruption, UNODC spearheads the implementation of the UN Convention against Corruption (UNCAC), the most comprehensive global anti-corruption instrument.
  - **Providing Support:** Through technical assistance, capacity-building, and coordination, UNODC empowers countries to develop and implement effective anti-corruption strategies.
  - **Focus Areas:** UNODC tackles corruption across various sectors, including public procurement, justice systems, and border management.
- **Transparency International (TI):**
  - **Independent Watchdog:** This independent NGO conducts research, exposes corruption through its Corruption Perception Index, and advocates for transparency and accountability in both public and private sectors.
  - **Raising Awareness:** TI's global network mobilises citizens and promotes public participation in anti-corruption initiatives, empowering communities to demand change.
  - **Building Integrity:** TI works with businesses and governments to implement anti-corruption measures and ethical standards.
- **Organisation for Economic Co-operation and Development (OECD):**
  - **Combating Bribery:** Through the Anti-Bribery Convention, the OECD sets binding standards for member countries to criminalise bribery of foreign public officials.
  - **Monitoring Progress:** The OECD regularly reviews and assesses member countries' compliance with the Convention, ensuring its effectiveness and continuous improvement.
  - **Promoting Cooperation:** The OECD facilitates international cooperation and the exchange of best practices to tackle cross-border corruption effectively.
- **Financial Action Task Force (FATF):**
  - **Fighting Money Laundering:** While primarily focused on combating money laundering and terrorist financing, FATF's recommendations also address corruption-related financial crimes.

- **Enhancing Transparency:** FATF promotes transparency in financial transactions, making it harder for corrupt individuals and entities to hide illicit funds.
- **Mutual Evaluations:** FATF conducts regular evaluations of member countries' anti-money laundering and counter-terrorism financing systems, including measures to address corruption-related financial flows.

❑ **International Anti-Corruption Academy (IACA):**

- **Building Expertise:** This global institution offers academic programs, training courses, and capacity-building initiatives for anti-corruption practitioners worldwide.
- **Knowledge Sharing:** IACA facilitates knowledge exchange and dialogue among anti-corruption professionals, promoting innovative approaches and best practices.
- **Strengthening Institutions:** IACA works with governments and civil society to build stronger anti-corruption institutions and capacities.

❑ **Global Anti-Corruption Conventions:**

- **UNCAC:** The UNCAC provides a comprehensive framework for international cooperation in preventing and combating corruption, covering areas like criminalization, asset recovery, and international cooperation.
- **Other Key Conventions:** The OECD Anti-Bribery Convention and regional agreements like the African Union Convention on Preventing and Combating Corruption further strengthen the global anti-corruption architecture.

Effective anti-corruption efforts require collaboration among governments, civil society organisations, and the private sector.

These specialised bodies and conventions play crucial roles in facilitating cooperation, setting standards, and providing technical assistance.

By working together, the global community can build a more transparent, accountable, and corruption-free world.

2nd ARC Recommendations on Corruption

The Second Administrative Reforms Commission (2nd ARC) was constituted by the Government of India in 2005 to suggest administrative reforms in the country. The commission submitted 15 reports on various subjects, of which the fourth dealt with **"Ethics in Governance".** This report made a number of recommendations to address corruption in India, including:

Strengthening the Legal and Institutional Framework

❑ **Robust Anti-Corruption Legislation:** Regularly review and update anti-corruption laws like the Prevention of Corruption Act 1988 to address emerging forms of corruption, enhance penalties and including private sector providers of public utility services within its ambit.

The National Programme for Civil Services Capacity Building ('NPCSCB') – "Mission Karmayogi" has been launched with the objective of enhancing governance through Civil Service Capacity Building.Mission Karmayogi will have the following six pillars. These are Policy Framework, Institutional Framework, Competency Framework, Digital Learning Framework (Integrated Government Online Training Karmayogi Platform (iGOT-Karmayogi), electronic Human Resource Management System (e-HRMS), and Monitoring and Evaluation Framework. For implementation and monitoring of the programme, following institutional framework has been approved:

(i) Prime Minister's Public Human Resource Council (PMHRC): A Council under the chairmanship of Hon'ble Prime Minister is conceived to be the apex body for driving and providing strategic direction to civil service reforms and capacity building.

(ii) Cabinet Secretariat Coordination Unit: It will monitor the implementation of NPCSCB, align stakeholders and provide mechanism for overseeing capacity building plans.

(iii) Capacity Building Commission– It will be set up for functional supervision of training institutions and facilitate in preparation of annual capacity building plans.

(iv Special Purpose Vehicle (SPV, an autonomous company) under Section 8 of the Companies Act, 2013 – It will own and operate all the digital assets created for NPCSCB on behalf of the Government of India.

(v) Programme Management Unit (PMU) - It will provide Program Management and Support services to the Department.

The training of Civil Servants at various Academies will be restructured to include optimum use of the digital learning platform of iGOT.

Specialised Anti-Corruption Cadre: Create a dedicated pool of trained and independent investigators within CBI and state ACBs for focused and specialised handling of corruption cases.

❑ **Special Courts for Corruption Cases:** Fast-track trials by establishing dedicated courts for corruption cases, ensuring timely justice and deterrence.

- **Whistleblower Protection and Witness Security:** Enforce effective whistleblower protection laws and ensure witness security to encourage reporting of corruption.
- **Strengthening Existing bodies:** The 2nd ARC called for the strengthening of investigative agencies such as the Central Bureau of Investigation (CBI) and the Vigilance Commission.

Promoting Transparency and Accountability

- **Right to Information (RTI) Implementation:** Strengthen implementation of RTI, ensuring timely and proactive disclosure of information by government departments.
- **Public Procurement Reforms:** Implement transparent and competitive bidding processes in public procurement to minimise opportunities for rent-seeking.
- **E-Governance Initiatives:** Leverage technology to increase transparency and citizen engagement in governance processes through e-governance initiatives.
- **Social Audit and Citizen Participation:** Encourage citizen participation in social audits and public monitoring of government programs to hold authorities accountable.

Building Ethical Values and Capacity

- **Ethics Education and Training:** Integrate ethics education into school and professional curricula to foster a culture of integrity and honesty.
- **Capacity Building of Public Servants:** Train public servants on anti-corruption best practices, conflict of interest management, and ethical decision-making.
- **Performance Management and Reward Systems:** Link performance evaluation and rewards to ethical conduct and the achievement of anti-corruption goals.
- **Mandatory Ethics Courses for Elected Representatives:** Make ethics-focused courses mandatory for elected officials at all levels to raise awareness and inculcate ethical conduct in leadership roles.
- **Peer-review Mechanism for Public Servants:** Implement a peer-review system within administrative structures to foster a culture of self-correction and ethical behaviour among public servants.

Addressing Systemic Issues

- **Simplification of Procedures and Regulations:** Reduce bureaucratic red tape and simplify administrative procedures to minimise discretionary powers and opportunities for corruption.
- **Judicial Reforms and Speedy Justice:** Address the judicial backlog and ensure speedy and efficient delivery of justice to deter corruption and punish offenders.
- **Electoral Funding Reforms:** Advocate for a system of public funding for elections to reduce dependence on private donations and curb the influence of money power in politics.
- **Land Acquisition and Resource Management Reforms:** Address inefficiencies and lack of transparency in land acquisition and resource management to prevent corruption-related issues.

Eroding corruption in public administration is crucial for trust in government, fair service access, and sustainable development. It boosts efficiency, resource allocation, and social harmony, reinforcing the rule of law, democracy, and human rights. In India, holistic approaches like strengthening laws, transparency, ethical leadership, and civil society empowerment are key, along with anti-corruption education and technology.

ETHICAL GOVERNANCE IN INDIA

Ethical governance refers to the practice of conducting public affairs with fairness, transparency, integrity, and accountability. It emphasises using power responsibly, prioritising the public good, and upholding moral principles in decision-making. Ethical governance is crucial for building a strong and inclusive democracy, fostering economic development, and ensuring social justice.

Philosophical Basis of Ethical Governance

The concept of good governance, while often perceived as a modern ideal, finds its roots in the wisdom of ancient philosophers and political thinkers. These diverse perspectives offer valuable insights into the essential characteristics and foundations of ethical governance.

Kautilya's Arthashastra

- **Citizen-Centricity:** Kautilya, a renowned Indian statesman and author of the Arthashastra (4th century BC), emphasised the king's responsibility for the happiness and welfare of his subjects. He famously proclaims, **"In the happiness of subjects lies the happiness of the king, and in the welfare of subjects lies the welfare of the king."**
- **Combating Corruption:** Recognizing the corrosive nature of corruption, Kautilya advocated for **"Kantakshodhana,"** the strict purging of corrupt elements within the governance system. This highlights the importance of transparency, accountability, and strong anti-corruption measures.

Gandhi's Vision of Ramrajya

- **Ramrajya- A State Rooted in Morality:** Mahatma Gandhi envisioned Ramrajya, an ideal state based on moral principles like nonviolence, truth, and righteousness. He believed that governance devoid of these principles was inherently corrupt.
- **Swaraj- Self-Rule as the Foundation:** Gandhi's concept of Swaraj, or self-rule, placed the power and responsibility for governance squarely on the shoulders of the people. This emphasis on citizen participation served as a cornerstone of his vision for ethical governance.

Aristotle's Distinction

- **Power for the People:** The Greek philosopher Aristotle categorised governments into two types: **"perverted,"** where power serves the interests of the ruling class, and **"legitimate,"** where power is used for the public good. This distinction underscores the core principle of ethical governance: the use of power for the benefit of all, not just a select few.

Other philosophical traditions

- **Confucianism** emphasises the importance of ethical leadership, social harmony, and meritocratic selection for public office.
- **John Locke and Social Contract Theory** highlight the consent of the governed and the protection of individual rights as cornerstones of ethical governance.
- **Utilitarianism** emphasises maximising happiness and well-being for the greatest number of people as a guiding principle for good governance.

These historical perspectives offer valuable insights for contemporary discussions on ethical governance. They remind us that the pursuit of a just and fair society requires constant vigilance, ethical leadership, and active citizen engagement.

IGNITE YOUR MIND

How does ethical governance balance the pursuit of efficiency and the imperative of fairness, especially in the allocation of scarce resources?

Characteristics of Ethical Governance

Ethical governance is characterised by several key attributes that promote integrity, transparency, accountability, and fairness in decision-making and public administration. Here are eight characteristics of ethical governance:

- **Transparency:** Ethical governance prioritises transparency by ensuring that information, processes, and decisions are open and accessible to the public. Transparent governance practices foster trust and confidence among citizens, stakeholders, and institutions.
- **Accountability:** Ethical governance holds public officials and institutions accountable for their actions, decisions, and use of resources. Clear mechanisms for oversight, monitoring, and enforcement help deter misconduct and ensure that those responsible are held liable for any wrongdoing.
- **Integrity:** Ethical governance upholds the principles of honesty, integrity, and ethical behaviour among public officials and institutions. Leaders and employees adhere to high moral and ethical standards, avoiding conflicts of interest, nepotism, and bribery.
- **Rule of Law:** Ethical governance is based on the rule of law, where laws are applied uniformly and consistently, without favouritism or discrimination. Legal frameworks provide clear guidelines and procedures for governance, ensuring fairness and justice for all citizens.
- **Participation and Engagement:** Ethical governance encourages meaningful participation and engagement of citizens, civil society organisations, and other stakeholders in decision-making processes. Inclusive governance practices empower citizens to voice their concerns, contribute to policy formulation, and hold authorities accountable.
- **Efficiency and Effectiveness:** Ethical governance emphasises efficiency and effectiveness in the delivery of public services and the allocation of resources. Rational decision-making processes, performance monitoring, and continuous improvement help maximise the impact of government initiatives while minimising waste and inefficiency.
- **Equity and Social Justice:** Ethical governance promotes equity and social justice by ensuring that policies, programs, and services address the needs of all segments of society, particularly marginalised and vulnerable groups. Fairness, impartiality, and non-discrimination are central to ethical governance principles.
- **Adaptability and Innovation:** Ethical governance embraces adaptability and innovation to respond effectively to changing societal needs, technological advancements, and global challenges. Flexible governance structures and proactive approaches enable governments to anticipate and address emerging issues while upholding ethical standards.

By embodying these characteristics, ethical governance fosters public trust, enhances the legitimacy of institutions, and contributes to the well-being and prosperity of society as a whole.

Key Elements of Ethical Governance

Ethical governance transcends mere compliance with rules. It's a philosophy rooted in values like probity, integrity, compassion, empathy, responsibility, and social justice. These values serve as the compass guiding decision-making, fostering a system where public interest reigns supreme.

- **Probity:** This core principle ensures that the sole purpose of administration is the public interest. It demands transparency and accountability, with all actions guided by the greater good, leaving no room for personal gain or favouritism.
- **Responsibility Beyond Accountability:** Ethical governance goes beyond simply holding individuals answerable for their actions. It fosters a culture of internal accountability, where individuals judge themselves based on their conscience. This inherent sense of responsibility acts as a powerful deterrent against corruption.

- **Corruption:** Eliminating corruption is not just a moral responsibility, but also an economic necessity for any nation aspiring to compete on the global stage. It stifles innovation, diverts resources, and erodes public trust, hindering sustainable development.
- **The Rule of Law:** Upholding the rule of law is fundamental to ethical governance. It ensures:
  - **Equal Application of Laws:** All individuals, regardless of their status, are subject to the same legal framework, creating a level playing field and curbing arbitrary decision-making.
  - **Predictability and Transparency:** Clear and consistent laws provide predictability for businesses and citizens, promoting trust and fostering economic activity.
  - **Curbing Bureaucratic Delays:** By establishing clear procedures and timelines, the rule of law minimises bureaucratic hurdles, expediting processes and promoting efficiency.

Ethical governance is not a destination, but a journey. It requires continuous efforts to strengthen institutions, empower individuals, and cultivate a culture of integrity and accountability.

Significance of Ethical Governance in Public Administration

- **Reduces Opportunities for Corruption:** Transparency and accountability minimise avenues for misuse of power and illicit enrichment.
- **Strengthens Public Trust:** Ethical conduct by public officials fosters trust in institutions and encourages cooperation with anti-corruption measures.
- **Empowers Citizen Vigilance:** An active and informed citizenry can act as a watchdog, preventing and reporting corrupt practices.
- **Promotes Rule of Law:** Upholding the law impartially discourages illegal activities and ensures corruption faces consequences.
- **Provides a Moral Compass:** Ethical values guide decision-making towards public good, minimising temptations for corruption.

Ethical Issues in Indian Governance

While India strives for progress, ethical issues continue to plague its governance system, eroding public trust and hindering development. Let's delve deeper into some significant concerns:

- **Abuse of Authority:** This occurs when officials exceed their designated powers, take actions outside their jurisdiction or harm public interests through unauthorised manoeuvres. This can manifest in unfair decisions, misuse of resources, or violations of established protocols.
- **Negligence and Dereliction of Duty:** When public servants fail to fulfil their responsibilities or perform them inadequately, they neglect their entrusted duties. This can range from simple absenteeism to deliberate delays in service delivery, ultimately causing harm to the community or state.
- **Bribery and Corruption:** This deeply ingrained issue involves the exchange of undue influence for personal gain, often through financial rewards or favours. It not only distorts decision-making processes but also diverts resources away from public needs, creating a vicious cycle of injustice.
- **Complacency and Lack of Motivation:** While dedicated officials exist, a significant portion exhibits indifference and low motivation. Their focus on personal benefits and comfort overshadows service to the public, further contributing to inefficiency and stagnation within the system.
- **Patronage and Favouritism:** The practice of appointing individuals to crucial positions based on personal connections rather than merit undermines transparency and fair competition. This often leads to the selection of unqualified individuals, compromising the quality of public services and fostering resentment among deserving candidates.
- **Excessive Secrecy and Lack of Transparency:** While some confidentiality is necessary, opaque decision-making processes hinder public scrutiny and accountability. This lack of transparency breeds suspicion and fosters an environment where unethical practices can thrive undetected.
- **Nepotism and Cronyism:** Bypassing meritocratic principles by favouring relatives or friends for public positions erodes public trust and creates an unfair advantage for undeserving individuals. This practice weakens the overall competence and integrity of the governance system.
- **Lack of Empathy and Compassion:** When public officials demonstrate indifference to the needs and concerns of individuals, they fail to fulfil their basic duty of public service. This lack of empathy can result in inflexible and insensitive actions that cause undue hardship and injustice.

Steps Taken in India to Promote Ethical Governance

- **Accountability to Parliament:** Administrators in India are accountable to political executives, who, in turn, are answerable to the Parliament. Financial accountability is ensured through legislative authorization before expenditures from the Consolidated Fund of India or the state.
- **Code of Conduct for Ministers:** The Government of India has established a Code of Conduct applicable to Ministers at both the Union and State levels. There's a recommendation to formulate a code of ethics as suggested by the 2nd Committee on Ethics of the Rajya Sabha and Lok Sabha.

- **Committees on Ethics:** Both the Rajya Sabha and Lok Sabha have Committees on Ethics overseeing the moral and ethical conduct of Members of Parliament.
- **Disclosure of Interest:** In both Houses of Parliament, disclosure of interest is mandatory. Members with personal pecuniary or direct interests in matters before the House are required to declare the nature of their interest.
- **Code of Conduct for Civil Servants:** Civil servants adhere to a prescribed code of conduct to bolster confidence in government, ensuring that private interests do not influence government decisions.
- **Legal Mechanisms to Check Corruption:** The Prevention of Corruption Act, 1988, along with other laws such as the Benami Transactions (Prohibition) Act, 1988, and the Prevention of Money Laundering Act, 2002, serves as a legal framework to combat corruption.
- **Right to Information Act, 2005:** Based on the principle that government information is the property of the people, this Act promotes participatory governance and grassroots democracy.
- **Lokpal and Lokayuktas Act, 2013:** Enacted in response to public demand against corruption, this Act establishes independent bodies at both central and state levels to prevent and control corruption.
- **Whistle-blowers Protection Act, 2014:** In response to increased attacks on whistle-blowers following the enactment of the RTI Act, this law protects them and establishes mechanisms to receive complaints related to corruption or misuse of power by public servants, preventing victimisation of the complainants.

Vigilance and Investigative Framework

- **Central Vigilance Commission:** Serving as the apex vigilance institution, it oversees all vigilance activities under the Central Government. Designated as the agency to receive complaints regarding corruption or misuse of office, it recommends suitable action. Empowered by the **Lokpal and Lokayuktas Act, 2013,** it conducts preliminary inquiries into complaints referred by the Lokpal.
- **Central Bureau of Investigation:** As India's premier investigating police agency, it plays a pivotal role in upholding public integrity and safeguarding the national economy. It gathers criminal intelligence related to anti-corruption, economic crimes, and special crimes.
- **National Investigative Agency:** Established following the 2008 Mumbai terror attack, this agency operates at the national level to investigate and prosecute offences impacting India's sovereignty, security, integrity, and foreign relations. It was created by an Act of Parliament to address the need for a robust investigative mechanism.
- **Right to Public Service Delivery Legislations:** Ensuring hassle-free public services and grievance redressal is a fundamental right for every citizen. Several states have enacted Public Services Guarantee Acts, guaranteeing citizens the right to public services within specified time frames, thus promoting accountability and efficiency in service delivery.

Way Forward

While India has taken commendable steps towards strengthening its ethical framework, further action is needed to fully address the challenges and secure lasting progress. Here are some key areas for improvement:

Strengthening Legal Frameworks

- **Clarity and Comprehensiveness:** Laws should be clearly defined, comprehensive, and easily accessible to both citizens and public servants.
- **Accountability Mechanisms:** Laws should clearly outline accountability mechanisms for unethical conduct, ensuring consequences for violations.
- **Reasoning Requirements:** Implementing laws requiring civil servants to provide justifications for decisions enhances transparency and discourages arbitrariness.

Enhancing Management Practices

- **Anti-Corruption Training:** Regular training programs must equip all public officials to identify, resist, and report corruption and unethical practices.
- **Internal Compliance Systems:** Establishing robust internal compliance systems within public institutions creates a culture of ethical conduct.
- **Performance Metrics:** Integrating ethical considerations into performance evaluation metrics incentivizes ethical behaviour.

Bolstering Whistleblower Protection

- **Strengthening Legislation:** The Whistleblower Protection Act needs to be strengthened to effectively shield whistleblowers from reprisals and provide adequate support.
- **Anonymous Reporting Mechanisms:** Establishing anonymous reporting channels encourages individuals to report wrongdoing without fear of retaliation.
- **Effective Investigation and Redress:** Ensuring prompt and thorough investigations of reported cases and offering appropriate redressal fosters trust in the system.

Implementing Robust Integrity Audits

- **Regular Assessments:** Conducting regular integrity audits of key government processes helps identify vulnerabilities and potential areas for corruption.
- **Proactive Measures:** Based on audit findings, governments should implement preventive measures to address vulnerabilities and mitigate risks.
- **Public Reporting:** Making audit reports publicly available enhances transparency and fosters accountability.

Addressing Recommendations from the Second ARC

- **Partial State Funding of Elections:** Implementing partial state funding of elections can potentially reduce dependence on private contributions, minimising undue influence.
- **Strengthening Anti-Defection Law:** Tightening the anti-defection law can discourage political horse-trading, promoting stability and ethical conduct within legislatures.
- **Code of Ethics:** Implementing a comprehensive code of ethics for all branches of government, including ministers, legislatures, judiciary, and civil servants, establishes clear standards of ethical conduct.

Combating Corruption with Stronger Measures

- **Confiscation of Property:** Expanding the scope of confiscation of illegally acquired property can deter corrupt practices and serve as a strong deterrent.
- **Speedy Trials:** Streamlining judicial processes to ensure expeditious trials for corruption cases sends a strong message against such conduct.
- **Damages for Corruption:** Introducing provisions for corrupt public servants to pay damages can hold them financially accountable for their actions.

These are just some key areas for India to focus on in its continued pursuit of ethical governance. By proactively addressing these challenges and implementing comprehensive reforms, India can create a more transparent, accountable, and ethical public service that serves the best interests of its citizens.

JUDICIAL REFORMS AND GOVERNANCE

Introduction

Judicial reforms are changes made to the legal system to improve its efficiency, fairness, and accessibility. In a democracy, the judiciary plays a crucial role in good governance. It upholds the rule of law, protects individual rights, and checks the power of other branches. But if the legal system is clogged and complex, these vital functions suffer.

By tackling issues like delays, lack of transparency, and limited public access, judicial reforms aim to create a stronger, more accountable system that supports good governance and serves the people effectively.

Judicial Reforms in India and their Impact on Governance

In response to the persistent challenges within the Indian judicial system, significant reforms have been undertaken to enhance its efficiency, transparency, and accessibility. These reforms, ranging from the introduction of specialised courts to the adoption of technology-driven solutions, have yielded positive impacts on governance by promoting judicial accountability, reducing case backlog, and fostering public trust in the legal system. Through these efforts, India aims to ensure swift and impartial justice, thus strengthening the foundation of democratic governance.

Reducing Pendency and Delays

- **E-filing and E-courts:** By December 2023, e-filing was enabled in all High Courts and most subordinate courts. The E-courts project aims to provide efficient court management systems across the country.
- **Fast-Track Courts:** Specialised courts for specific areas like Negotiable Instruments Act cases and commercial disputes have shown significant reductions in pendency, with some exceeding 90%.
- **Court Vacation Reforms:** Several High Courts have implemented staggered and shorter vacations to ensure courts function throughout the year.
- **E-summons and E-notice:** Electronic delivery of summons and notices reduces delays caused by traditional postal service.
- **Case Management Information System (CMIS):** This system tracks case progress, identifies bottlenecks, and supports efficient court management.

Improving Accountability and Transparency

- **Code of Judicial Conduct:** Revised in 2018, the code lays down ethical and professional guidelines for judges, including recusal procedures and disclosure of assets.
- **Open Court System:** Live streaming of Supreme Court proceedings began in 2022, with High Courts following suit. While limited in scope, it enhances public understanding of the judiciary.
- **Judicial Information System (JIS):** Provides online access to case status, judgments, and orders in select courts. However, complete nationwide implementation and standardisation remain challenges.

Strengthening Infrastructure and Human Resources

- **Increased Judge Vacancies Filled:** The number of sanctioned judges has increased significantly, but filling vacancies remains a challenge. The judge-population ratio in India (21 judges per million) remains far below that in developed countries.
- **Improved Court Infrastructure:** The Centrally Sponsored Scheme for Judicial Infrastructure provides funds for court complexes, residential quarters, and digitization initiatives. However, disparities in resource allocation persist.

Other Noteworthy Reforms

- **Gram Nyayalayas:** These village courts provide easier access to justice for rural communities, handling minor civil and criminal disputes. However, their effectiveness varies depending on infrastructure and staffing.

- **National Judicial Appointments Commission (NJAC):** Though struck down by the Supreme Court, the NJAC aimed for a more transparent and independent appointment process for judges. Debates about its revival continue.
- **National e-Sewa Scheme for Online Legal Aid:** This scheme, provides online access to legal aid services, empowering citizens, especially those in remote areas, to seek legal advice, guidance, and representation remotely. This removes geographical barriers and time constraints, making legal aid more accessible.
- **District Legal Services Authorities (DLSA):** Established in each district across India, DLSAs bridge the gap between legal services and marginalised communities. They offer legal aid, organise legal awareness camps, and conduct Lok Adalats (people's courts) to resolve disputes amicably. These local bodies play a vital role in ensuring access to justice for those who need it most.·
- **Increased Focus on Alternative Dispute Resolution (ADR):** Recognizing the limitations of traditional litigation, India has actively promoted ADR methods like mediation and arbitration. These methods offer quicker, more cost-effective, and often amicable solutions compared to courtroom battles. Dedicated courts and training programs for mediators and arbitrators have bolstered the use of ADR, further easing the burden on court systems.

IGNITE YOUR MIND

How have judicial reforms in India addressed the chronic backlog of cases and what impact has this had on the public's perception of justice and governance? In what ways do these reforms navigate the delicate balance between judicial independence and accountability?

Impact on Governance

- **Reduced Pendency Can Lead to Faster Access to Justice, Strengthening Public Trust in the System:** However, concerns remain about the quality of rushed judgments.
- **Increased Transparency Holds the Judiciary Accountable, Contributing to Checks and Balances within the Governmen:** Though concerns about potential judicial activism and its impact on governance also exist.
- **Implementing Reforms Effectively Across All Levels of the Judiciary:** While initiatives like NMJDLR exist, ensuring consistent implementation across diverse court systems and states remains a challenge.
- **Filling Judicial Vacancies Promptly and Ensuring High-Quality Appointments:** Filling sanctioned vacancies remains slow, and concerns exist about the process's transparency and merit-based selection.
- **Integrating Technology Seamlessly into Court Operations:** While e-filing and e-courts projects progress, challenges like inadequate infrastructure, connectivity issues, and the digital literacy need continuous attention.
- **Balancing Transparency with Judicial Independence:** While initiatives like live streaming enhance transparency, concerns exist about media sensationalization and potential impact on judges' independence.

Judicial reforms in India are a complex and ongoing process. While significant progress has been made in reducing pendency, improving transparency, and strengthening infrastructure, challenges remain. Consistent implementation, merit-based appointments, seamless technology integration, and continuous focus on areas like ADR, legal aid, and judicial education are crucial for a truly efficient, accessible, and accountable judiciary that effectively contributes to good governance.

FAST TRACK SPECIAL COURTS (FTSCS) IN INDIA

Introduction

Fast Track Special Courts (FTSCs) are specialised courts in India established to **expedite the trial process** for specific categories of cases. Originally launched in October 2019, these courts initially focused on:

- **Sexual Offenses:** This includes crimes like rape, sexual assault, and sexual harassment.
- **Child Sexual Offences:** These fall under the Protection of Children from Sexual Offences Act (POCSO Act), which provides specific protections for children involved in such cases.

The success of FTSCs in handling these sensitive and crucial cases has led to discussions about potentially **expanding their scope** to include other high-priority categories like dowry harassment or economic offences in the future. In November 2023, the Union Cabinet approved the continuation of the Centrally Sponsored Scheme for FTSCs until March 31, 2026, with an increased financial outlay of Rs. 1952.23 crore. This indicates continued government commitment to these courts.

Origin

The FTSC scheme was launched in **October 2019** through a **Centrally Sponsored Scheme (CSS)** funded by the central government. This means the central government provides financial and technical assistance, while the states/union territories are responsible for implementing the scheme within their jurisdictions.

Objective

Two main objectives drove the creation of FTSCs:

- **Address the Massive Backlog of Pending cases:** India faced a staggering burden of unresolved cases exceeding 3.2 crores in 2023. Sexual offences constituted a significant portion of this backlog, often leaving victims waiting for years to see justice served. FTSCs aimed to **prioritise these cases** and expedite their disposal, contributing to an overall pendency reduction in the judicial system.
- **Ensure Swift Justice for Victims:** Sexual offences can be incredibly traumatic for victims, and lengthy trials can further exacerbate the emotional burden. FTSCs aimed to **reduce trial duration** by streamlining procedures, thereby minimising the wait for closure and fosteringa sense of justice for victims and their families.
- **Building on Earlier Recommendations:** The establishment of FTSCs aligns with recommendations put forward by the **11th and 14th Finance Commissions.** These commissions advocated for specialised courts to handle not only heinous crimes but also civil cases pertaining to vulnerable groups like women, children, and senior citizens, particularly those pending for extended periods (over 5 years).

Structure and Working

FTSCs operate with several key features designed to accelerate the trial process:

- **Structure:** Each court has one presiding judge and seven dedicated support staff to ensure efficient case management and reduce administrative delays.
- **Simplified Procedures:** FTSCs follow streamlined procedures to avoid unnecessary adjournments and expedite progress. This includes prioritising witness examination, utilising video conferencing for remote testimonies when appropriate, and minimising bureaucratic hurdles.
- **Dedicated POCSO Courts:** Recognizing the unique needs of child victims, specialised POCSO courts operate within the FTSC framework. These courts have judges trained in handling child victims and employ age-appropriate procedures to create a less intimidating environment for their testimonies.
- **National Judicial Data Grid Integration:** FTSCs are linked to the National Judicial Data Grid (NJDG), a centralised platform that facilitates efficient data sharing and case tracking across courts in India. This improves transparency and accountability within the system.

Significant Achievements

Since their inception, FTSCs have made significant strides in:

- **Establishing a Strong Network:** As of November 2023, 758 FTSCs are operational across India, including 411 dedicated POCSO Courts. This widespread presence ensures accessibility to these specialised courts for victims across the country.
- **Reducing Case Backlog:** Over 2,08,000 pending cases have been disposed of since the scheme's launch, demonstrating their effectiveness in clearing the backlog and bringing faster justice.
- **Increased Conviction Rates:** Studies suggest higher conviction rates in FTSCs compared to regular courts for sexual offence cases. However, concerns exist regarding potential impacts on the thoroughness of investigations and trials, which could lead to wrongful convictions.

Challenges Faced by Fast Track Special Courts (FTSCs) in India

Fast track courts in India have been established with the aim of expediting the judicial process and delivering swift justice, particularly in cases of serious crimes or those pending for long durations. However, despite their noble intentions, these courts encounter various challenges that impede their effectiveness and efficiency. Let's look at some of the challenges:

Inadequate Infrastructure:

- Unlike dedicated infrastructure, FTSCs often function within existing courts, leading to **overburdened judges** handling regular cases alongside FTSC cases. This **lack of dedicated support staff and infrastructure** further slows down case disposal.

Prolonged Pendency and Delays:

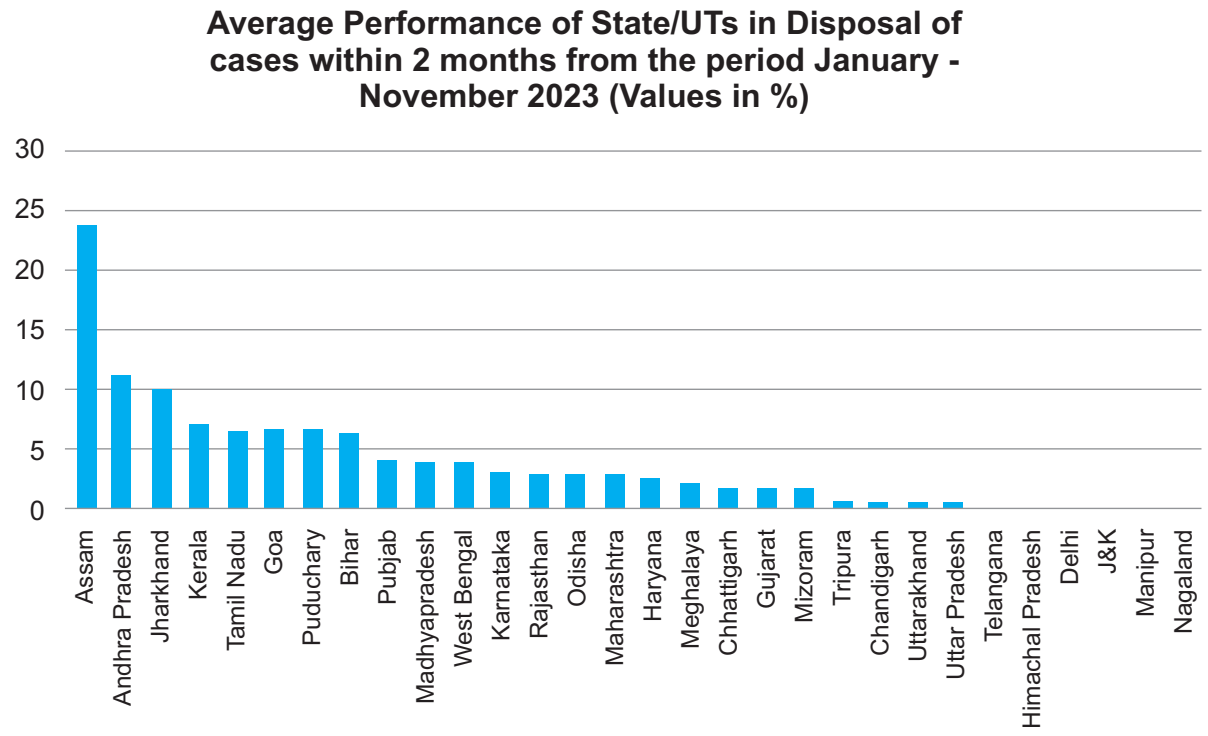
- **Massive Backlog:** As of January 2023, over 2.43 lakh POCSO cases awaited trial in FTSCs, with projections indicating decades are required to clear backlogs in several states.
- **Varying Trial Durations:** Estimated trial durations across states range from 21 to 30 years, highlighting significant inconsistencies and delays.

Low Conviction Rate Concerns:

- Despite aiming for one-year trial completion, studies reveal a low conviction rate. Out of 2,68,038 cases, only 8,909 resulted in convictions, raising concerns about the efficacy of FTSCs.

Limited Jurisdiction and Missed Targets:

- **Specific Jurisdiction:** Limited jurisdiction can delay justice delivery and create inconsistencies in law application. Ideally, cases within FTSCs should be disposed of within a year, but the target often falls short, as seen in Delhi with only 1,049 out of 4,369 pending cases disposed of by May 2023.



Judge Vacancies and Specialized Training Gaps:

- Judge vacancies across lower courts in India stand at 23%, affecting case handling capacity. Regularly deputed judges from other courts may lack the specialised training needed for efficient and effective FTSC proceedings.

Ad-hoc Prioritization and Consistency Issues:

- The establishment of FTSCs often relies on ad-hoc decisions by both the judicial and executive branches, prioritising certain offences over others without a clear framework, leading to inconsistency in addressing different categories of cases.

Way Forward

Building a Firm Foundation: Infrastructure and Resources

- **Dedicated Infrastructure:** Transitioning from designated spaces within existing courts to **purpose-built FTSCs** equipped with modern courtrooms and adequate support staff is crucial. This includes providing **essential personnel** like case managers, investigators, and translators to streamline operations and reduce overburdened judges.
- **Technology Integration:** Equipping FTSCs with reliable **video conferencing,** digital case management systems, and secure evidence storage solutions can **expedite procedures, improve accessibility, and enhance transparency.**
- **Sustainable Funding: Increased financial resources** from both central and state governments are essential to ensure sustained improvement in infrastructure, technology, and personnel. This requires **strategic budget allocation** based on data-driven needs assessments and long-term planning.

Streamlining the Process: Efficiency and Expertise

- **Rigorous Case Management:** This includes minimising unnecessary adjournments, prioritising witness testimonies, ensuring timely evidence presentation, and leveraging technology for efficient scheduling and document sharing.
- **Standardised Procedures:** This requires collaboration between stakeholders like the judiciary, government, and legal experts.
- **Flexibility and Local Context:** While standardisation promotes consistency, it's crucial to consider local contexts and the specific needs of different regions when developing procedures to ensure their effectiveness and adaptability.

Specialised Training: Judges and support staff should receive **specialised training** tailored to the specific needs of FTSCs. This training should cover:

- **Trauma-Informed Practices:** Sensitising all personnel to the unique needs of victims of sensitive crimes, particularly children, to create a supportive and non-retraumatizing environment.
- **Handling Sensitive Evidence:** Equipping personnel with the knowledge and skills to handle evidence appropriately, ensuring its chain of custody and admissibility in court.
- **Navigating Complex Legal Nuances:** Providing judges with in-depth training on the specific laws and procedures relevant to the categories of cases they handle within FTSCs.

Expanding the Reach: Addressing Broader Needs

- **Expanding Scope:** Considering the initial success in handling specific offences, a phased expansion to include other **high-priority areas** like dowry harassment, economic offences, and civil cases involving vulnerable groups is worth exploring.
- **Strategic Judge Selection:** Who possess **relevant expertise and experience** in handling the specific categories of cases they oversee. This can be achieved through: **Targeted training programs and Strategic judge placements.**

FTSCs in India face critical roadblocks, but their potential for swifter justice remains. Dedicated infrastructure, efficient procedures, and expertise-based judge selection are key to unlocking their promise. A collaborative, data-driven approach can transform these courts into pillars of justice, ensuring timely access and upholding the right to a fair trial. Let's empower FTSCs to write a new chapter in India's pursuit of justice for all.

LOCAL GOVERNANCE

Introduction

India, **the world's largest democracy,** boasts a unique three-tiered structure where the very foundation rests on the shoulders of **local governance**. This system, far from being an accidental arrangement, is firmly etched in the nation's constitutional fabric. The landmark **73rd and 74th Amendments** in 1992 granted constitutional status to Panchayati Raj and urban local bodies, respectively, marking a watershed moment in empowering citizens at the grassroots level. These amendments weren't merely legal changes; they were a declaration of faith in the potential of citizens to shape their own communities' destinies.

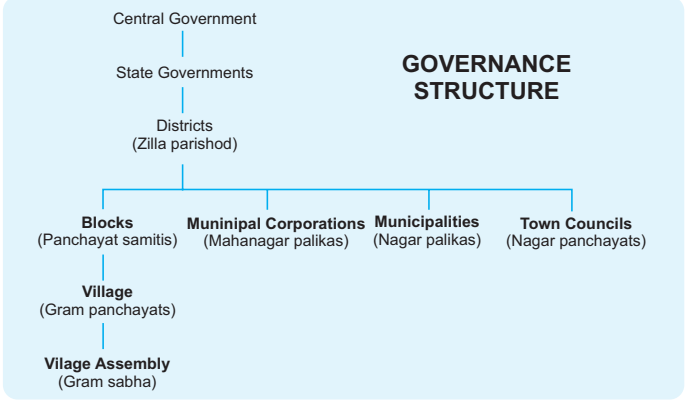


Fig.12.5: Governance Structure

However, despite the constitutional mandate and the promise it holds, navigating the landscape of local governance in India reveals a complex fabric woven with threads of both promises and challenges.

Challenges to Local Governance in India

Local governance institutions in India, such as Panchayats and Municipalities, play a crucial role in grassroots democracy and service delivery. However, they encounter multifaceted challenges ranging from financial constraints and bureaucratic hurdles to issues of capacity building and political interference. Let's look at some of the challenges they face:

Power Imbalances: Limited Scope, Excessive Control

- **Functioning in Shadows:** While the 74th Amendment empowers local bodies with specific functions, many state governments hold back key responsibilities, creating parallel structures like agricultural or health departments. This undermines local decision-making and effectiveness.
- **Funding Tug-of-War:** Local bodies face a constant struggle for financial independence. They heavily rely on external sources (80-95%), primarily state and central government grants, making them susceptible to funding fluctuations and top-down priorities.

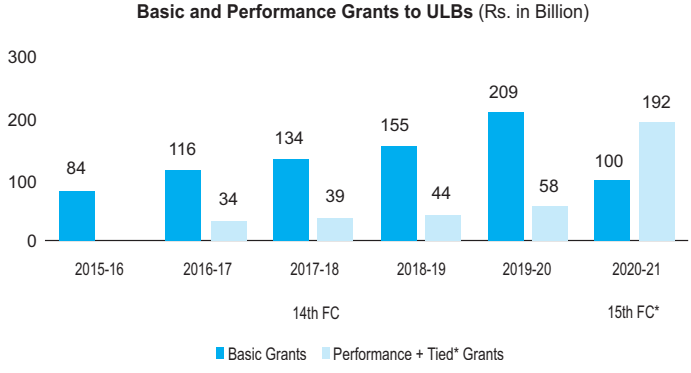


Fig.12.6: Basic and Performance Grants to ULBs

- Additionally, inadequate fund allocation (less than 5% of the divisible pool reaching them) and conditional funding with restrictive terms further limit their ability to address local needs.
- A 2019 report by the CAG (Comptroller and Auditor General of India) highlighted irregularities in financial management by local bodies, including instances where grants were diverted or underutilised due to lack of autonomy.

IGNITE YOUR MIND

How do the complexities of caste, religion, and political patronage in India challenge the principles of local governance and impede the equitable distribution of resources? In what ways can local governance structures be strengthened to resist the pressures of centralization and ensure genuine decentralization of power?

Capacity Constraints: Hampered by Staffing and Technology

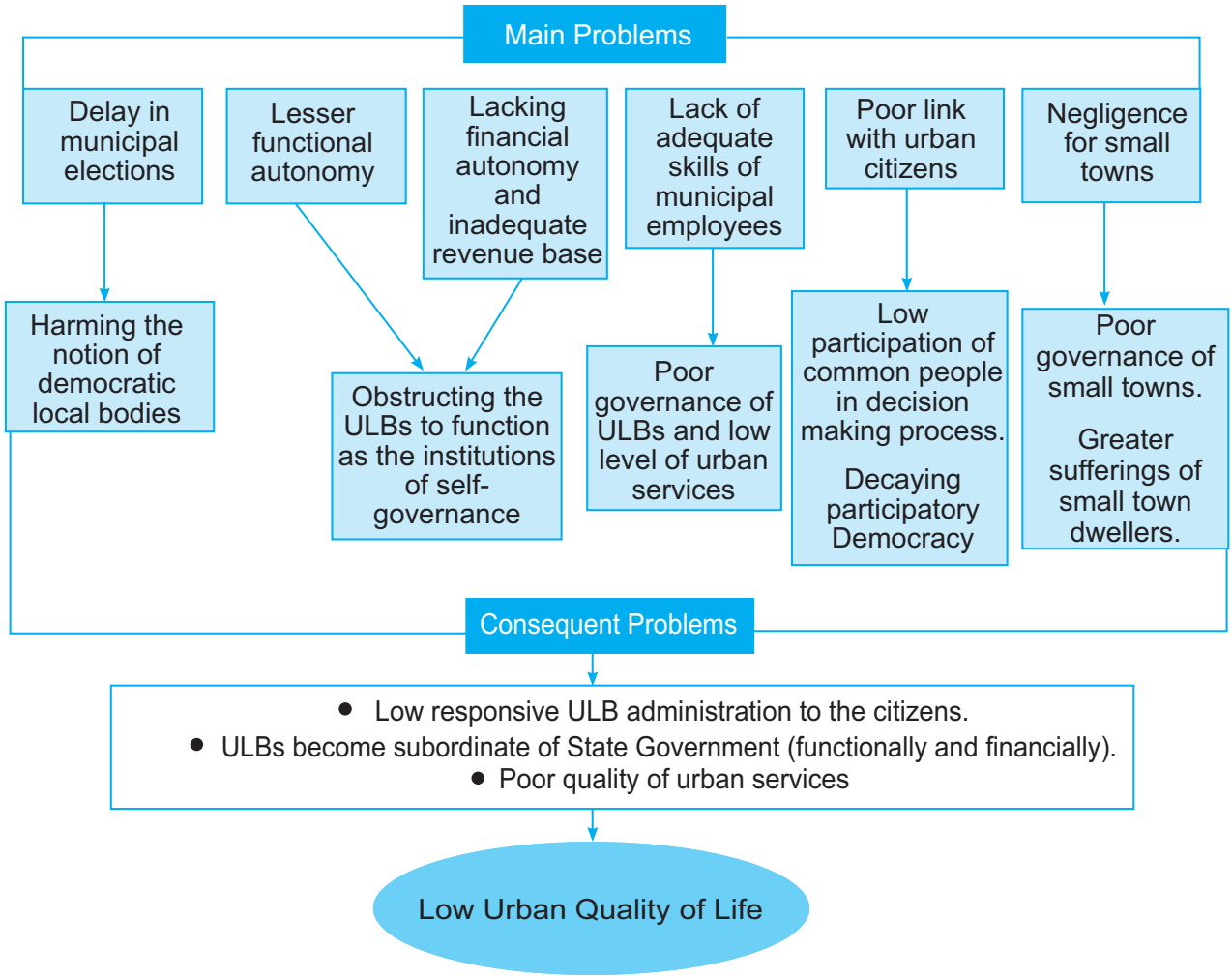
- **Skeleton Crews:** Local governments often lack adequate staff, struggling with overburdened officials like panchayats sharing a single secretary. This hinders their ability to efficiently manage tasks and fulfil their mandates. In Rajasthan, a 2020 study by the Centre for Policy Research found that 80% of village-level panchayats had only one secretary, leading to delays in service delivery and project implementation.
- **Tech Paradox:** While technology holds promise for streamlining service delivery, its centralised implementation can bypass local decision-making, reducing responsiveness and adaptability to specific community needs. For example, the e-Gram Swaraj platform, aiming to digitise rural panchayats, has been criticised for overlooking local contexts and needs, leading to low adoption rates and limited impact.

Participation Pitfalls: Low Engagement, Unequal Power Dynamics

- **Civic Apathy:** Despite higher literacy rates, city-dwellers often exhibit low voter turnout in local elections, as seen in the lukewarm participation in Delhi and Mumbai's 2017 polls (53% and 55% respectively). This lack of engagement weakens the legitimacy and accountability of local representatives. A 2022 survey by the Lokniti Foundation found that only 38% of citizens in urban areas felt they had a say in local decision-making.
- **Unequal Power Dynamics:** While reservation of seats has empowered women in representation, the "Sarpanch Pati" syndrome, where husbands wield real power behind the scenes, undermines their effectiveness and limits the true spirit of inclusive governance. A 2021 study by the Institute for Social and Economic Change in Karnataka found that in 70% of cases, husbands of women Sarpanchs controlled decision-making and financial resources, limiting their genuine participation.

External Threats: Malicious Influence and Electoral Irregularities

- **Criminal Infiltration:** Local elections, particularly in urban areas, can attract criminal elements and contractors seeking to manipulate the system for personal gain. This poses a significant threat to the integrity and fairness of local governance.


Main Problems
Delay in municipal elections
Lesser functional autonomy
Lacking financial autonomy and inadequate revenue base
Lack of adequate skills of municipal employees
Poor link with urban citizens
Negligence for small towns
Harming the notion of democratic local bodies
Obstructing the ULBs to function as the institutions of self-governance
Poor governance of ULBs and low level of urban services
Low participation of common people in decision making process.
Decaying participatory Democracy
Poor governance of small towns.
Greater sufferings of small town dwellers.
Consequent Problems
Low responsive ULB administration to the citizens.
ULBs become subordinate of State Government (functionally and financially).
Poor quality of urban services
Low Urban Quality of Life

- A 2022 report by the Association for Democratic Reforms found that over 40% of candidates contesting local body elections in major cities had criminal charges against them, raising concerns about the influence of criminal elements.

- **Election Delays:** Frequent delays in holding local elections leave communities without functional governance for extended periods, further hampering progress and citizen engagement.

Other Issues

- **Weak Institutional Framework:** The overall structure of local governance often lacks clarity in terms of roles, responsibilities, and power dynamics, leading to confusion and inefficiency. A 2019 study by the World Bank identified overlapping mandates and unclear accountability mechanisms as major challenges hindering effective local governance in India.
- **Transparency and Accountability Issues:** Concerns regarding corruption and opaque financial management practices within local bodies erode public trust and hinder effective service delivery. A 2023 report by Transparency International ranked India 93 out of 180 countries in the Corruption Perception Index, highlighting concerns about corruption at the local level.

Insights from the 2nd ARC Recommendations

The Second Administrative Reforms Commission (ARC) of India, submitted its report on Local Governance in 2009. The report made a number of recommendations aimed at improving the quality of local governance in India. Some of the key recommendations include:

Devolve Power and Resources

- **Full Devolution of Powers and Functions:** Grant full control over key sectors like health, education, and agriculture.
- **Enhanced Financial Resources:** Explore alternative revenue generation methods like property tax and user charges, ensuring equitable distribution and addressing concerns about overburdening citizens.

Strengthen Elected Representatives and Institutions

- **Regular, Timely Elections:** Ensure timely and regular elections across all tiers of local government to maintain democratic legitimacy and accountability.
- **Capacity Building for Elected Officials:** Provide comprehensive training programs on leadership, financial management, governance best practices, and anti-corruption measures to empower elected representatives.
- **Strengthen Citizen-Elected Representative Communication:** Implement effective mechanisms for two-way communication between elected officials and citizens, including public hearings, grievance redressal systems, and participatory budgeting processes.

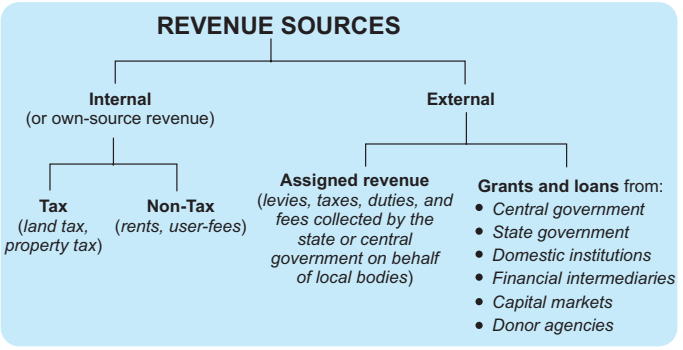


Fig.12.7: Revenue Sources

Promote Transparency and Accountability

- **Strengthen Internal Audit Systems:** Establish robust internal audit systems within PRIs and ULBs to ensure financial discipline and prevent misuse of funds.
- **Social Audits and Citizen Oversight:** Empower communities to conduct social audits of local government projects and schemes, promoting transparency and accountability.
- **Strengthen Right to Information (RTI) Implementation:** Ensure effective implementation of RTI at the local level, providing citizens with accessible avenues to request information and holding local authorities accountable.

Embrace Technology for Efficiency and Service Delivery

- **E-governance Initiatives:** Implement e-governance initiatives at the local level to improve service delivery, reduce corruption, and increase transparency. This could include online applications, grievance redressal platforms, and budget information portals.
- **Leveraging Mobile Technology:** Promote m-governance solutions like mobile apps for accessing services, reporting grievances, and participating in local governance processes, reaching citizens in remote areas and promoting inclusivity.
- **Data-Driven Decision Making:** Encourage PRIs and ULBs to utilise data analytics to track progress, identify needs, and make informed decisions based on evidence.

Foster Collaboration and Partnerships

- **Public-Private Partnerships (PPPs):** Promote PPPs for specific projects and services, leveraging private sector expertise and resources to improve infrastructure and service delivery.

- **Community-Based Organisations (CBOs) and Civil Society Engagement:** Collaborate with CBOs and civil society organisations to involve communities in the planning, implementation, and monitoring of local development initiatives.
- **Knowledge Sharing and Learning:** Facilitate knowledge sharing and peer learning among PRIs and ULBs across different states to promote best practices and innovation in local governance.

Despite the challenges, strengthening local governance in India remains crucial for its continued democratic journey and development goals. As the 73rd and 74th Amendments envisioned, empowering local bodies is not just a constitutional mandate, but a pathway to equitable development and responsive administration. This necessitates a multi-pronged approach.

Comparative Analysis of Governance Models

Understanding how different countries govern themselves is critical in our interconnected world. Comparing and contrasting governance models allows us to appreciate the unique strengths and weaknesses of each system, draw lessons, and potentially inform future reform efforts.

This analysis delves into the governance models of India, the United States, the United Kingdom, Germany, and France, exploring key features like their systems of government, electoral processes, and citizen participation. We will compare and contrast these models across various dimensions, highlighting both their strengths and weaknesses in navigating the complex challenges of the 21st century.

Feature	India	United States	United Kingdom	Germany	France
System of Government	Federal Republic	Federal Republic	Unitary Parliamentary Monarchy	Federal Republic	Unitary Semi-Presidential Republic
Head of State	President (indirectly elected)	President (directly elected)	Queen (hereditary)	President (directly elected)	President (directly elected)
Head of Government	Prime Minister	President	Prime Minister	Chancellor	Prime Minister
Legislative Branch	Bicameral (Lok Sabha & Rajya Sabha)	Bicameral (House of Representatives & Senate)	Bicameral (House of Commons & House of Lords)	Bicameral (Bundestag & Bundesrat)	Bicameral (National Assembly & Senate)
Electoral System	First-Past-the-Post (FPTP) for Lok Sabha, Proportional Representation (PR) for Rajya Sabha	FPTP	FPTP	Mixed-member proportional (MMP) (Bundestag)	Two-round system
Party System	Multi-party	Two-party dominant (Democrat & Republican)	Multi-party	Multi-party	Multi-party
Federalism	Quasi-federal (strong center)	Strong federalism	Devolutionary devolution or Asymmetrical Devolution	Cooperative federalism	Unitary, decentralised
Local Governance	Panchayati Raj system (three tiers: village, block, district)	Counties, municipalities, townships (varies by state)	Local councils with varying degrees of autonomy (e.g., London boroughs, Scottish councils)	Municipal and state governments, plus regional governments (Länder)	Regional councils (e.g., Régions), départements, and communes
Judiciary	Supreme Court (highest court of appeal, interprets Constitution) & High Courts (highest courts in each state)	Supreme Court (highest court of appeal, power of judicial review) & Federal courts	Supreme Court (highest court for appeals in certain cases, established in 2009) & various courts	Federal Constitutional Court (highest court for constitutional matters) & ordinary courts	Constitutional Council (reviews constitutionality of laws before enactment) & ordinary courts

Feature	India	United States	United Kingdom	Germany	France
Citizen Participation	Moderate voter turnout (around 67% in 2019); emerging civil society	Relatively low voter turnout (around 66% in 2020); active civil society	Moderate voter turnout (around 67% in 2019); active civil society	High voter turnout (around 76% in 2021); active civil society	Moderate voter turnout (around 74% in 2022); active civil society
Transparency & Accountability	Challenges with corruption; Right to Information Act	Moderate corruption levels; Freedom of Information Act	Moderate corruption levels; Freedom of Information Act	Moderate corruption levels; various transparency initiatives	Moderate corruption levels; various transparency initiatives
Strengths	Diverse representation; federal structure promotes regional autonomy	Strong executive leadership; robust checks and balances	Stable government; efficient administration	Federal structure promotes regional autonomy; strong economic system	Strong social safety net; centralised administrative structure
Weaknesses	Weak central government; bureaucratic hurdles	Deep political polarisation; limited social safety net	Unequal representation; potential for elitism	Complex federal structure; limited direct democracy	Potential for executive overreach; limited checks and balances

Examining the diverse governance models of these five nations reveals a spectrum of strengths and weaknesses, reflecting their distinct historical trajectories, cultural contexts, and societal priorities. While India boasts diverse representation and regional autonomy through its federal structure, it faces challenges with a weak central government and bureaucratic hurdles.

Conversely, the United States enjoys strong executive leadership and robust checks and balances, but struggles with deep political polarisation and a limited social safety net. Each model presents valuable insights, and ongoing discourse and analysis are crucial to learn from each other and strive for more effective and responsive governance structures that serve their citizens well.

Learning from Scandinavian Governance Models

India, aiming for equitable and sustainable development, can glean valuable lessons from the acclaimed governance models of Scandinavian countries. These nations boast high living standards, robust social welfare systems, and efficient administrations, offering insights across various domains:

Social Welfare and Equality

Universal Healthcare: Denmark's single-payer system grants everyone equal access to comprehensive healthcare, funded through progressive taxation. Instead of directly replicating Denmark's single-payer system, India could explore a **multi-pronged approach:**

- **Expanding the Ayushman Bharat scheme** to cover a wider range of services and populations.
- **Leveraging public-private partnerships (PPPs) in healthcare delivery,** building on successful models like Apollo Telemedicine.
- **Focusing on preventive care and public health awareness** to reduce future healthcare burdens, inspired by Denmark's strong emphasis on preventive measures.

Gender Equality: Sweden boasts extensive parental leave policies, childcare facilities, and strong gender equality legislation. While Sweden's extensive parental leave policies are commendable, India's cultural context necessitates different approaches:

- **Enhancing existing maternity leave policies** and encouraging fathers to avail paternity leave, promoting shared parental responsibility.
- **Investing in childcare infrastructure and early childhood education programs,** as advocated by UNICEF India, to enable women's participation in the workforce.
- **Promoting women's entrepreneurship and skill development** through initiatives like Stand Up India and Skill India, drawing inspiration from Sweden's focus on empowering women in leadership roles.

Social Safety Nets: Finland's universal basic income (UBI) experiment offers financial security and promotes individual agency. While Finland's UBI experiment holds promise, India can consider alternatives:

- **Strengthening existing social safety net programs** like MGNREGA and PDS, ensuring inclusivity and targeting benefits effectively.
- **Piloting conditional cash transfer programs** like the Jan Dhan Yojana, potentially learning from Finland's focus on individual agency.

- **Evaluating the feasibility of UBI pilots** in select states, gathering data and evidence before nationwide implementation.

Transparency and Accountability

E-Governance: Estonia's X-Road technology platform seamlessly integrates various government services online, boosting transparency and citizen engagement. Estonia's X-Road is a model for seamless integration, but India's needs differ:

- **Building upon existing platforms like Aadhaar and DigiLocker** to create a secure and interconnected digital infrastructure.
- **Focusing on regional and state-level initiatives** considering India's federal structure and learning from Estonia's focus on user-centric design.
- **Encouraging citizen participation in e-governance initiatives** through awareness campaigns and feedback mechanisms

Anti-Corruption Measures: Denmark's strong anti-corruption agency and focus on preventive measures like open data and public access to information contribute to low corruption levels. Denmark's focus on transparency and preventive measures can be adapted:

- **Strengthening India's Right to Information Act (RTI)** and ensuring timely and transparent responses to RTI requests.
- **Implementing whistleblower protection mechanisms** with effective grievance redressal procedures, similar to those in Denmark.
- **Leveraging technology for transparency,** using blockchain and e-procurement systems to reduce corruption risks.

IGNITE YOUR MIND

How can India adopt the principles of transparency, social welfare, and environmental sustainability from Scandinavian governance models without compromising its unique socio-economic and cultural context?

Open Data and Public Participation: Norway actively uses open data portals and citizen feedback mechanisms for participatory budgeting and policymaking. Norway's open data portals and citizen feedback mechanisms hold valuable lessons:

- **Creating and maintaining national and state-level open data portals** with user-friendly interfaces and accessible data sets.
- **Developing robust feedback mechanisms** through online platforms and public hearings, similar to Norway's citizen dialogue forums.
- **Integrating citizen feedback into policymaking processes,** fostering trust and building a more inclusive democracy.

Sustainable Development and Environmental Protection

Green Investments: Iceland leads in renewable energy (99% of energy needs), with geothermal energy powering over 66% of its heating and electricity needs. While Iceland's geothermal energy success may not be directly applicable, India can learn from:

- **Promoting solar and wind energy development** through targeted incentives and grid modernization, inspired by Iceland's policy frameworks.
- **Encouraging green investments** through public-private partnerships and green bonds, drawing from Iceland's focus on renewable energy investment.
- **Developing a skilled workforce for the green economy,** preparing India for the transition to a more sustainable future.

Circular Economy: Sweden excels in waste management and resource recycling, diverting over 50% of waste from landfills. Sweden's waste management strategies offer valuable insights:

- **Implementing Extended Producer Responsibility (EPR) policies** in India, making manufacturers responsible for product end-of-life management.
- **Investing in waste-to-energy plants and composting facilities,** adopting technologies similar to those used in Sweden's circular economy initiatives.
- **Promoting public awareness and behaviour change** through educational campaigns and community engagement programs.

Climate Action: Denmark aims to achieve carbon neutrality by 2050 through ambitious emission reduction targets, green infrastructure investments, and international partnerships. Denmark's ambitious decarbonization goals and international partnerships are inspiring:

- **Setting ambitious but achievable national emissions reduction targets,** and potentially learning from Denmark's 2050 carbon neutrality goal.
- **Investing in energy efficiency and clean technologies** like electric vehicles and smart grids, drawing inspiration from Denmark's green economic transformation strategies.
- **Leveraging international partnerships and collaborations** to access technology, finance, and expertise, similar to Denmark's active participation in international climate initiatives.

Adapting for Success

Directly replicating Scandinavian models wouldn't be ideal. Instead, adaptation to the Indian context is crucial, considering:

- **Nuanced Understanding:** India's unique socio-economic and political landscape necessitates tailoring adaptations to ensure relevance and effectiveness.

- **Capacity Building:** Investments in human resources, institutional reforms, and technological infrastructure are vital for successful implementation.
- **Public Trust:** Transparency, citizen engagement, and inclusive participation in policy-making processes are essential for building public trust.

Scandinavian governance models offer valuable lessons for India's journey towards a more equitable, sustainable, and prosperous future. By carefully adapting these models to the Indian context, fostering open dialogue, and engaging citizens actively, India can create a better future for all.

Strengthening Institutions and Administrative Capacities

Despite significant progress, India's governance journey faces challenges stemming from weaknesses in institutional frameworks and administrative capacities. Addressing these issues forms a crucial pillar in realising truly effective governance.

Areas for Strengthening

- **Judiciary:**
  - **Backlog of Cases:** Streamlining judicial processes, enhancing court infrastructure, and increasing judicial appointments are crucial to tackle the massive backlog of pending cases.
  - **Judicial Vacancies:** Filling vacant judicial positions promptly is essential to ensure timely justice delivery and reduce the workload on existing judges.

Legislature

- **Electoral Reforms:** Addressing issues like paid news and voter education can strengthen the electoral process and enhance public trust.
- **Strengthening Committees:** Empowering parliamentary committees with research and analytical support can improve their oversight role and hold the executive accountable.

Civil Service

- **Capacity Building:** Continuous training and skill development programs are needed to equip civil servants with contemporary knowledge and adapt to evolving challenges.
- **Performance Management:** Implementing a robust performance management system with clear metrics and feedback mechanisms can incentivize efficiency and accountability.

Anti-Corruption Agencies

- **Autonomy and Resources:** Ensuring the independence and adequate resources of anti-corruption bodies like Lokpal and CBI is crucial for effective investigation and prosecution.
- **Preventing Influence:** Robust whistleblower protection and internal oversight mechanisms can safeguard these agencies from undue influence.

Local Governance

- **Capacity Building:** Equipping local government officials with skills, resources, and training is essential for effective implementation of decentralised schemes and addressing local needs.
- **Financial Empowerment:** Strengthening financial autonomy of local bodies through enhanced devolution of funds and tax powers can enable them to undertake infrastructure development and service delivery efficiently.

Key Initiatives

- **Mission Karmayogi:** This flagship program aims to train and upskill civil servants across India.
- **National Programme for Civil Service Capacity Building:** This program focuses on capacity building of state-level civil servants.
- **Smart City Mission:** This initiative aims to leverage technology and urban planning expertise to improve governance efficiency in cities.
- **E-Governance Initiatives:** Projects like eCourts, e-Gram Swaraj, and UMANG app utilize technology to streamline processes, enhance transparency, and improve citizen accessibility to services.
- **National eGovernance Plan (NeGP):** This central government initiative aims to provide common infrastructure and standards for e-governance services across India.
- **Performance Management System (PMS):** This system, being implemented across government departments, aims to improve accountability and performance through objective assessments and feedback mechanisms.
- **Civil Service Reform Initiatives:** Ongoing efforts seek to modernise recruitment processes, address gender imbalance, and promote merit-based selection in the civil service.
- **National Skills Development Mission (NSDM):** This program aims to improve employability and skill levels of the workforce, empowering individuals and contributing to overall governance effectiveness.
- **E-Panchayat Mission:** This initiative aims to digitise Panchayat operations and empower local bodies with technology tools for effective governance.
- **One Nation, One Ration Card (ONORC):** This scheme allows the portability of subsidised food grains across the country, improving access and transparency in welfare programs.
- **Atal Mission for Rejuvenation and Urban Transformation (AMRUT):** This program focuses on improving basic infrastructure and service delivery in select Indian cities.

Strengthening institutions and administrative capacities requires sustained efforts from various stakeholders. Collaborative partnerships between government, civil

society, and research institutions can play a vital role in driving innovation, policy reforms, and capacity building initiatives. By addressing these challenges, India can create a more robust and resilient institutional framework, paving the way for a more effective and responsive governance system that serves its citizens better.

FUTURE PROSPECTS OF GOVERNANCE IN INDIA

Reflection on the Evolution of Governance in India

Introduction

Since gaining independence in 1947, India has undergone a remarkable evolution in its governance structure and practices. Initially, the country adopted a Westminster-style parliamentary democracy, inheriting much of its administrative framework from the British colonial era. Over the decades, India has witnessed significant transformations in its governance model, marked by the decentralisation of power, the establishment of federalism, and the introduction of innovative policies and programs aimed at addressing the diverse needs of its vast population.

From the era of planned development under Nehruvian socialism to the economic liberalisation reforms of the 1990s, India has navigated through various phases of governance, each shaping the trajectory of its socio-economic progress. Today, as India emerges as a global economic powerhouse and a vibrant democracy, its governance landscape continues to evolve, driven by factors such as technological advancements, demographic shifts, and the imperatives of sustainable development.

From Planned Economy to Good Governance: India's Evolution Post-Independence

Shifting Gears: Moving Beyond the Planned Economy

India's journey post-independence began with a planned economy model, mirroring many newly freed nations. However, by the late 1980s, cracks began to show in this approach, hindering its ability to achieve desired economic progress and tackle poverty. Here's a closer look at the factors that prompted a rethink:

- **Deep-Seated Corruption:** Endemic corruption, pervading both government institutions and programs, became a major roadblock. Inefficiencies and leakages in public-funded initiatives eroded public trust and hampered effective implementation.
- **Rapid Transformation in the International Political and Economic Environment:** The world around India was changing rapidly. The collapse of the Soviet Union, globalisation, and rising economic interdependence demanded a more flexible and adaptable economic approach to stay competitive.
- **Due to the Financial Crunch and Lack of Competitiveness in the Public Sector:** Public-sector enterprises, burdened by financial constraints and struggling with inefficiency, failed to deliver essential services adequately. This created a vacuum, paving the way for arguments in favour of greater private sector involvement.
- **Acknowledgement of the Limits of the Government in Terms of Resources and Legitimacy:** Recognizing the limitations of government resources and its diminishing public trust, policymakers began exploring alternative frameworks for driving economic progress.

The Rise of Governance in a Liberalised Economy

The landmark economic liberalisation of 1991 marked a turning point, ushering in a new era of focus on "governance." The concept gained significant traction, encompassing issues like decentralisation, accountability of implementing agencies, and robust monitoring and evaluation of programs.

The 1990s witnessed a significant shift in the World Bank's approach to development assistance. It moved beyond financing projects to prioritising good governance as a critical prerequisite for sustainable development. This shift resonated deeply with India, which was already facing challenges in its planned economy model.

How the World Bank's Influence Played Out

- **Shifting the Narrative:** The World Bank actively promoted good governance through its research, publications, and conditionalities attached to loans. This created a global discourse where good governance was seen as essential for economic progress and poverty reduction. India, seeking solutions to its own development challenges, was receptive to these ideas.
- **Leveraging Expertise:** The World Bank provided technical assistance and capacity building programs to help India strengthen its governance institutions and processes. This included areas like public financial management, anti-corruption measures, and participatory decision-making.
- **Peer Pressure and Benchmarking:** By highlighting success stories of good governance in other developing countries, the World Bank indirectly encouraged India to benchmark its own practices and strive for improvement.

Five-Year Plans: Reflecting the Governance Imperative

The Five-Year Plans, serving as blueprints for India's development strategy, mirrored the growing emphasis on good governance:

- **Ninth Five-Year Plan (1997-2002):** This plan marked a turning point, dedicating a specific chapter to **"Implementation, Delivery Mechanism and**

Institutional Development." This chapter acknowledged the shortcomings of the planned economy and identified weaknesses in program implementation. It emphasised the need for decentralisation, accountability, and monitoring and evaluation, laying the groundwork for further focus on governance.

- **Tenth Five-Year Plan (2002-2007):** This plan went a step further with a dedicated chapter titled **"Governance and Implementation."** It defined governance as **"the management of all such processes that enable individuals to realise their potential."** This broader definition encompassed not just government structures but also civil society and the market, highlighting their interconnectedness in achieving development goals.
- **Eleventh Five-Year Plan (2007-2012):** This plan marked a significant shift in approach. Good governance wasn't just an aspirational vision anymore; it became a central pillar for achieving key development goals:
  - **Inclusive Growth:** The plan recognized that equitable distribution of economic benefits was crucial, and good governance was essential for ensuring fair access to opportunities and resources.
  - **Poverty Reduction:** Tackling poverty effectively demanded efficient and transparent governance mechanisms to ensure targeted delivery of welfare programs and empower marginalised communities.
  - **Bridging Societal Divides:** Addressing social and economic inequalities required dismantling discriminatory practices and ensuring equal access to justice and services, all of which hinged on good governance.
- **Twelfth Five-Year Plan (2012-2017):** This plan went even further, explicitly declaring good governance as an essential element for a well-functioning society. It acknowledged the direct link between:
  - **Efficient and Transparent Governance:** Streamlined bureaucratic processes, reduced corruption, and increased transparency were seen as crucial for fostering economic dynamism, attracting investment, and ensuring efficient resource allocation.
  - **Social Progress:** Effective delivery of public services like education and healthcare, along with upholding human rights and promoting inclusivity, were recognized as dependent on good governance practices.
  - **Expanding Definition:** The meaning of governance itself evolved beyond merely referring to government structures. It came to encompass the broader societal context, including civil society, the private sector, and their interactions with the state. This holistic view recognized the multifaceted nature of governance and its impact on development outcomes.

Impact Across All Levels

The plans highlighted that good governance wasn't limited to national-level policies. It impacted every level of society:

- **Individuals and Households:** Personal security, access to basic necessities, and opportunities for upward mobility were all seen as influenced by the quality of governance at the local level.
- **Villages and Regions:** Decentralisation initiatives and empowering local communities were considered crucial for fostering participatory development and addressing local needs effectively.
- **National Level:** Efficient policy implementation, coordination between different government branches, and accountability to citizens were recognized as essential for national progress and stability.

Embracing a Multi-Stakeholder Approach

The plans emphasised the need for collaboration between various stakeholders:

- **State:** The government needed to provide a transparent and enabling environment, invest in strengthening institutions, and uphold the rule of law.
- **Civil Society:** Non-governmental organisations, community groups, and activists were seen as playing a vital role in holding the government accountable, advocating for marginalised communities, and promoting citizen participation.
- **Market:** The private sector was encouraged to operate ethically and contribute to social development through responsible business practices and partnerships with the government and civil society.

From State-Driven Development to Good Governance

- **The Shift from Aid to Governance:** Following decolonization, many developing countries, including India, relied heavily on foreign aid for their economic and social development. Until the late 1970s, the prevailing belief worldwide was that the state held the primary responsibility for driving economic growth and public welfare. However, this approach began to face scrutiny as disappointing development outcomes became evident in many aid-recipient countries.
- **Questions of Effectiveness:** Despite significant financial assistance, large populations remained trapped in poverty. This sparked critical debates about the effectiveness of aid. The disappointing results led international donor agencies to examine the root causes of these development failures, with increasing attention paid to the quality of governance within recipient countries.
- **Conditioning Aid on Good Governance:** In 1998, a significant shift occurred. International aid donors proposed linking aid allocation not only to poverty

levels and underdevelopment but also to the recipient country's commitment to good governance. This marked a major change in development strategy, emphasising the crucial role of effective governance in achieving sustainable development goals.

- **Defining Good Governance:** The World Bank's 1998 report, "Governance in Asia: From Crisis to Opportunity," provided a clearer framework for understanding good governance. It identified four key pillars: **Accountability, Transparency, Predictability and Participation.**

Evolving Role of the Indian Judiciary in Promoting Good Governance

A Proactive Judiciary: Beyond Its Original Charter

One of the fascinating aspects of India's post-independence journey has been the judiciary's expanding role, exceeding its initially envisioned boundaries. Landmark judgments like the Kesavananda Bharati case established the **"basic structure"** doctrine, ensuring Parliament's amendment power doesn't dismantle core constitutional principles like fundamental rights.

Beyond merely evaluating the constitutionality of laws, the Supreme Court has emerged as a powerful forum:

- **Transcending Judicial Limits:** Judgments on transgender rights and children of live-in couples demonstrate the court's willingness to address contemporary societal issues, effectively legislating through rulings.
- **Proactive Interventions:** Directives on issues like CNG usage in public transport and temple entry for women showcase the court's assertive stance in tackling public interest concerns.
- **Suo Moto Action:** Examining the constitutional validity of the Muslim Talaq law exemplifies the court's proactive approach to address issues even without formal petitions.

Guardianship and Beyond: The Crucial Role of Judiciary in Good Governance

Democratic governance thrives on constitutional checks and balances. Regular elections, an independent judiciary safeguarding rights, and avenues for redress from government actions are vital components. The judiciary stands as a cornerstone of good governance, playing a crucial role in ensuring:

- **Constitutional Limits on Power:** The judiciary acts as a bulwark against excessive government authority, upholding the rule of law and protecting individual rights.
- **Dispute Resolution:** From environmental concerns to human rights, education, and minority issues, the courts offer avenues for resolving disputes and upholding constitutional principles.
- **Judicial Review:** By scrutinising the constitutionality of parliamentary amendments, the judiciary safeguards the integrity of the Constitution and prevents its erosion.
- **Setting Judicial Precedents:** Landmark judgements create precedents that guide future decisions and contribute significantly to good governance by establishing legal principles.

Bureaucracy in India's Nation-Building Narrative

India's Bureaucracy: Beyond the Stereotypes

- **Foundational Rock of a New Nation:** India's post-independence narrative is deeply intertwined with its bureaucracy. This vast administrative machinery served as the **backbone of nation-building,** implementing policies and programs across diverse regions. From land reforms to industrialization drives, the bureaucracy played a **critical role in shaping the country's socio-economic landscape.**
- **Beyond Implementation, Building the Framework:** The bureaucracy's contributions went beyond policy execution. It played a key role in **establishing and maintaining crucial institutional frameworks** like the Planning Commission (now NITI Aayog), the Election Commission, and the Comptroller and Auditor General (CAG). These institutions ensured **effective governance and accountability,** fostering a stable environment for development.
- **Challenges and Reforms: A Continuous Journey:** Despite its achievements, the Indian bureaucracy faces challenges. **Red tape, corruption, and a lack of accountability** are often cited as hindering efficient governance. However, it's important to recognize the ongoing **efforts towards reform and modernization.** Initiatives like e-governance and citizen-centric services aim to enhance **transparency, efficiency, and responsiveness.**
- **More Than Just Rules: Guardians of Democracy:** Beyond administrative tasks, the bureaucracy plays a significant role in **upholding democratic principles.** It ensures the **rule of law, protects citizens' rights, and facilitates the smooth functioning of democratic institutions.** This **neutral and impartial** role is crucial for a vibrant democracy.
- **Adapting to a Changing World:** The **globalised and technology-driven** world presents new challenges and opportunities. The bureaucracy is actively adapting through **digital governance initiatives, international collaborations, and embracing innovation.** This ability to adapt is crucial for its continued relevance in a rapidly evolving society.
- **The Future: A Shared Responsibility: Modernization, streamlining, and capacity building** are key areas of focus for the future of India's bureaucracy. Fostering a **culture of innovation and efficiency** is essential for meeting the needs of a dynamic and diverse nation. However, this transformation is not solely the

responsibility of the bureaucracy itself. **Active citizen engagement, constructive feedback, and collaborative efforts** are crucial for shaping a responsive and effective administrative system that serves the nation well.

IGNITE YOUR MIND

How has the Indian Judiciary's dynamic interpretation of the Constitution and its proactive use of Public Interest Litigations (PILs) reshaped the landscape of good governance, and what implications does this evolving role have for the balance of power among the branches of government and the protection of individual rights?

The Continuing Journey Towards Effective Governance

India's journey towards effective governance has been marked by a steadfast commitment to meet the dynamic needs of its vast and diverse population. As the world's largest democracy, India has embarked on a transformative path since gaining independence, driven by ambitious objectives such as self-reliance, economic growth, and social justice.

Over the decades, the governance structure has evolved significantly, transitioning from a primary focus on revenue collection and law enforcement to a more comprehensive approach centred on holistic development and citizen empowerment. This evolution underscores a profound shift towards a governance model characterised by accountability, responsiveness, and inclusivity, reflecting India's enduring commitment to building a transparent and citizen-centric administration.

Highlights of the Progress

- **E-Governance:** India has emerged as a global leader in digitising government services. Initiatives like Aadhaar, UPI, and various online portals like Digilocker and eNAM have significantly improved the transparency, accessibility, and efficiency of government services. These platforms have streamlined processes, reduced paperwork, and empowered citizens to access services easily.
- **Decentralisation:** Devolution of power and resources to local governments and Panchayati Raj institutions (PRIs) is being actively pursued. This empowers local communities to address their specific needs and aspirations, fostering inclusivity and participatory governance. Programs like Swachh Bharat Abhiyan and MGNREGA demonstrate the potential of decentralised governance for effective implementation.
- **Anti-Corruption Initiatives:** India has enacted several laws and institutions to combat corruption. The **Right to Information Act** promotes transparency and empowers citizens to hold authorities accountable. **Lokpal and Lokayuktas act** as ombudsmen to investigate corruption complaints and provide remedy. While challenges remain, these initiatives demonstrate a commitment to tackling corruption.
- **Social Welfare Schemes:** Large-scale programs like **Ayushman Bharat (health insurance)** and **Pradhan Mantri Jan Dhan Yojana (financial inclusion)** aim to uplift marginalised communities and improve social welfare. These schemes provide crucial support for healthcare, financial access, and other essential needs, contributing to a more equitable society.
- **Community Engagement:** Initiatives like MyGov and Gram Sabhas encourage citizen participation in decision-making processes and policy formulation. This fosters public trust and allows authorities to consider diverse perspectives while addressing community needs.
- **Inclusion of Women in Governance:** India has witnessed progress in women's participation in governance. Gender quotas in Panchayats and reservations in legislatures create opportunities for women's voices to be heard and represented. This empowers women and promotes gender equality in decision-making.
- **Strong Democratic Institutions:** India boasts strong democratic institutions like PRIs, **CAG (Comptroller and Auditor General), ECI (Election Commission of India), and CVC (Central Vigilance Commission),** which play crucial roles in ensuring transparency, accountability, and upholding democratic values. These institutions contribute significantly to effective governance.

Challenges and Areas for Improvement

While India's bureaucracy has played a pivotal role in nation-building, it also faces significant challenges that hinder effective governance. Here's a deeper dive into some key issues:

Inequality and Exclusion

- **Uneven Progress:** Although development efforts have been made, disparities persist across regions, genders, and social groups. This creates unequal access to opportunities and services, undermining inclusive governance.
- **Marginalised Voices:** Indigenous communities, religious minorities, and lower castes often face exclusion from decision-making processes, leading to inadequate representation and perpetuating inequality.
- **Data Gap:** Lack of disaggregated data on key indicators across different segments makes it difficult to identify and address specific needs, hindering targeted interventions.

Bureaucratic Inefficiency

- **Red Tape:** Complex procedures, excessive paperwork, and bureaucratic hurdles create delays and hinder service delivery. This discourages citizens from seeking government services and erodes trust.

- **Skill Gaps:** Inadequate training and outdated skillsets among some bureaucrats can lead to poor decision-making and an inability to adapt to changing needs.
- **Corruption:** Allegations of bribery and misuse of power undermine public trust and divert resources away from development initiatives.

Political Interference

- **Undue Influence:** Political pressure on bureaucrats to prioritise certain projects or favour specific groups can lead to unfairness and non-transparency. This undermines meritocratic principles and efficient resource allocation.
- **Short-Term Vision:** Political cycles and a focus on immediate wins can overshadow long-term policy planning and sustainable development goals.
- **Accountability Gaps:** Lack of clear mechanisms to hold political actors accountable for influencing administrative decisions creates an environment conducive to interference.

Capacity Building

- **Human Resource Constraints:** Shortage of qualified personnel, inadequate training programs, and high attrition rates limit the bureaucracy's capacity to effectively manage complex challenges.
- **Infrastructure Deficits:** Outdated technology, lack of data management systems, and inadequate communication infrastructure hinder efficient information sharing and decision-making.
- **Decentralisation Challenges:** Empowering local governments without providing sufficient resources and training can lead to uneven implementation of policies and exacerbate existing inequalities.

Technology Adoption

- **Digital Divide:** Unequal access to technology and digital literacy across regions and social groups can exclude certain segments from utilising e-governance initiatives, widening the gap between citizens and government services.
- **Data Security Concerns:** Lack of robust data protection mechanisms raises concerns about privacy violations and misuse of personal information collected through e-governance platforms.
- **Sustainability Concerns:** Limited digital infrastructure and maintenance challenges can hinder the long-term sustainability of e-governance initiatives.

The Road Ahead

While India's complex bureaucracy faces numerous challenges hindering effective governance, the path forward is paved with opportunities for improvement. Here are some key areas of focus:

Empowering Citizens

- **Participatory Democracy:** Cultivating a culture of **active citizen engagement** in policy discussions, public hearings, and feedback mechanisms. This amplifies diverse voices and ensures policies reflect the needs of the population.
- **Right to Information (RTI) Empowerment:** Strengthening the implementation of RTI, simplifying procedures, and promoting awareness to empower citizens to demand transparency and accountability.
- **Community-Driven Solutions:** Engaging local communities in decision-making processes and project implementation to ensure ownership and address specific needs from a bottom-up approach.

Performance-Driven Bureaucracy

- **SMART Goals and Metrics:** Establishing **Specific, Measurable, Achievable, Relevant, and Time-bound (SMART) goals** for various government initiatives with clear performance metrics to track progress and identify areas for improvement.
- **Performance-Based Incentives:** Linking promotion and rewards to the achievement of targeted outcomes can incentivize bureaucrats to prioritise efficiency and effectiveness.
- **Regular Performance Audits:** Conducting independent and transparent audits to evaluate bureaucratic performance and identify areas for reform.

Data-Driven Decisions

- **Data Infrastructure:** Investing in modern data collection, analysis, and management systems to facilitate evidence-based decision-making.
- **Data Accessibility and Transparency:** Making relevant data available to the public, fostering transparency and facilitating informed public discourse.
- **Utilising Big Data:** Leveraging big data analytics to identify trends, predict challenges, and personalise service delivery for improved public service efficiency.

Strengthening Institutions

- **Judicial Independence:** Protecting the independence and autonomy of the judiciary to ensure impartial justice and uphold the rule of law.
- **Media Freedom:** Safeguarding press freedom and encouraging investigative journalism to hold the government accountable and expose corruption.
- **Anti-Corruption Measures:** Strengthening anti-corruption agencies, establishing whistleblower protection mechanisms, and promoting a culture of integrity within the bureaucracy.

Collaborative Governance

- **Public-Private Partnerships (PPPs):** Fostering partnerships between government and private sector entities to leverage expertise, resources, and innovation for infrastructure development and service delivery.

- **Civil Society Engagement:** Collaborating with civil society organisations to leverage their expertise, networks, and community reach for effective project implementation and social change.
- **Knowledge Sharing and Learning:** Facilitating knowledge exchange and learning platforms across government agencies, states, and international partners to learn from best practices and adapt successful strategies.

By prioritising these areas, India can chart a course towards more effective and inclusive governance. This journey requires sustained commitment, collective action, and a shared vision for a future where all citizens benefit from responsive, transparent, and accountable governance structures.

IGNITE YOUR MIND

In an era where data-driven decisions are paramount, how can institutions leverage big data analytics to enhance their operational efficiency and ensure ethical governance and accountability, thereby strengthening their foundational integrity and public trust?

India's governance journey reflects a continuous ascent, marked by both strides like e-governance and stumbles like inequality. While challenges persist, the very act of acknowledging them paves the path for progress. The road ahead demands citizen engagement, data-driven decisions, and a collaborative spirit. By empowering institutions, bridging digital divides, and fostering inclusivity, India can transform its governance narrative, ensuring every citizen scales the peak of prosperity and well-being. With ongoing efforts to streamline bureaucratic processes, combat corruption, and promote sustainable development, India is poised to realise its vision of inclusive, equitable, and efficient governance.

CONCLUSION

In the 21st century, the need to eradicate corruption and ensure ethical governance in public administration is more crucial than ever. Corruption undermines trust, democratic values, and socio-economic progress, with ramifications expanding globally due to rapid globalisation and technological advancement. Ethical governance is vital for accountability, transparency, innovation, and sustainable development, especially in an era of heightened public scrutiny and digital information flow. Upholding integrity in public service is essential for maintaining the legitimacy of government institutions and fostering citizen engagement. Thus, concerted efforts to combat corruption and promote ethical behaviour are essential for building resilient, inclusive, and prosperous societies in the modern age.

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